948.

SUPREME COURT OF THE UNITED STATES.

No. 211.

THE UNITED STATES, APPELLANTS,

vs.

THE HEIRS OF JEAN B. MACARTY ET AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

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UNITED STATES OF AMERICA,
Eastern District of Louisiana.

United States District Court, at New Orleans, in Chancery.

No. 135. { MACARTY *et al.* vs. THE UNITED STATES. } Land Cause.

Be it known and remembered that heretofore, at the May term, A. D. 1846, of the said court, to wit: on the sixteenth day of June of said year, the plaintiffs in the above-entitled cause came, by their attorney, Louis Janin, Esq., into the office of the clerk of said court, at New Orleans, and there filed their

PETITION,

which is in the words and figures following, viz:—

To the Honorable District Court of the United States for the District of Louisiana.

The petition of Celeste Macarty, the widow of Paul Lanusse, of Odile D. Rost, the wife of Pierre Adolphe Rost, of the said Pierre Adolphe Rost, testamentary executor of the late Stephen Henderson, of Céleste D. Destréhan, the wife of Alexander Grailhe, of the widow A. Peychand, of Myrtille Macarty, the widow of Charles B. Lanusse, and of Armand Pitot, the beneficiary heir of Barthelemy Macarty, the said petitioners being the heirs and legal representatives of the late Jean Baptiste Barthelemy and Edmond Marcarty; of Eleanor Prevost, the wife of Nicolas Loisel, of Nicolas Leblanc, of Louisa Prevost, Celestine Prevost, and Luc Prevost, of Godefroy Prevost, Philémon Prevost, of the widow of Nicolas Prevost, and of Armand Pitot, the beneficiary heir of Barthelemy Macarty: all said petitioners residing in the State of Louisiana, and the said married women being authorized to sue by their said husbands, who join them in this suit—Respectfully shews:—

That your petitioners are the owners of lands held under Spanish titles, which are still unconfirmed, and that, wishing to avail themselves of the provisions of an act of Congress approved on the 17th of June, 1844, and entitled: "An act to provide for the adjustment of land claims," &c., they pray for the confirmation of their titles to the following lands, to wit:—

The aforesaid heirs and legal representatives of Jean Baptiste,

Edmond, and Barthelemy Macarty pray for the confirmation of the title of

1st. A tract of land of 20 arpents front by 40 arpents in depth, on both sides of Bayou Vermillion, purchased by Jean Baptiste Macarty from Catherine Baudouin, the widow of Pierre Etier, about the year 1784.

2d. A tract of 40 arpents, front on both sides of Bayou Vermillion, purchased by Jean Baptiste Macarty, in the year 1784, from Antoine Boudousquié, the grantee thereof.

3d. Five tracts of land on and near Bayou Vermillion, to wit: one in prairie Sorel, having 84 arpents in front by 84 arpents in depth, granted to said Jean Baptiste Macarty; another tract granted to the same, having 40 arpents front by 40 arpents in depth, on each side of the Bayou Vermillion; and three tracts of the same dimensions as the preceding one, and situated at the same place, granted to Barthélemy, Edmond, and Céleste Macarty.

And the said heirs and legal representatives of Ursin Prévost pray for the confirmation of a tract of land having 80 arpents front on the west side of Bayou Têche by 40 arpents in depth, which was purchased by the late Jean Baptiste Macarty from Vincent Lesassier in the year 1781, and sold by the heirs of said Jean Baptiste Macarty, in the year 1809, to the late Ursin Prévost.

The petitioners shew that they have acquired all the rights of Jean Baptiste, Edmond, and Barthélemy Macarty and Ursin Prévost, partly by inheritance, and partly by divers acts of partition and other mesne conveyances, which will be shewn whenever it shall be necessary.

Your petitioners shew that, as early as the year 1806, and between that year and the year 1813, the said Jean Baptiste Macarty, and his heirs after his death (which occurred in the year 1808), claimed a confirmation of all the above tracts of land before the Board of Commissioners for the Western District of Louisiana, and on the 1st May, 1815, the said commissioners made an adverse report thereon, saying that the evidence was insufficient, and did not correspond with the claims made by the said Macarty, and yet recommending that further time should be granted to said Macarty to complete and perfect his testimony, and render it more clear and conclusive.

And the petitioners shew that this report was occasioned by the loose manner in which the papers in the office of said commissioners were kept, that said commissioners having mislaid one of the notices of said Macarty, and even a commission and interrogatories issued by themselves on the 24th of February, 1813, in which questions were propounded to Charles Laveau Trudeau, the former surveyor general of the province of Louisiana, and in which the lands now claimed were clearly and distinctly described as the sole object of the enquiry, and having before their eyes, when they made said report, only the answers of said Laveau Trudeau, and another notice

filed by the said Macarty for the confirmation of lands in Opelousas, they observed that the said last-mentioned notice, and the said answers of Laveau Trudeau did not apply to the same land, and hence made the above-mentioned erroneous report.

The petitioners shew that having thereafter found in the said Land Office, the above mentioned original commission and interrogatories of the commissioners, and having collected much additional testimony, they repeatedly applied to Congress for confirmation of their said claims, but could never obtain a decision thereon.

They further shew, that in conformity with the provisions of an act, approved on the 5th February, 1835, and entitled: "An Act for the final adjustment of claims to lands in the State of Louisiana," they filed a new notice of their said claims and evidence and a statement in support thereof, with the Register and Receiver of the Land Office of the Western District of Louisiana, established at Opelousas, that on the first of February, 1848, the said register and receiver made a report thereon, recommending the same for confirmation, but that Congress never acted upon said report.

The petitioners shew that the settlement and adjustment of their aforesaid titles, was greatly impeded by the circumstance, that many of the title-papers of said Jean Baptiste Macarty, were destroyed by the great fire, which, in the year 1794, consumed the greater part of the city of New Orleans, and in which the said Macarty lost his dwelling-house, in the city of New Orleans, and barely escaped with his life, that the petitioners were consequently under the necessity of establishing their claims by secondary and circumstantial evidence, and that said evidence is fully stated in the aforesaid report of the register and receiver, of which a copy is hereto annexed, and to which the petitioners beg leave to refer for all further particulars concerning the locality and nature of said lands, the description of the titles under which the said Macarty held the same, and the use he made of them.

And your petitioners, the heirs and legal representatives of Ursin Prévost, show that, whereas their aforesaid claim for 80 arpents front on Bayou Têche, was always submitted, both to the various boards of commissioners, appointed to take cognizance of such land-titles, and to Congress, in conjunction with the claims hereabove mentioned and described, as belonging to the heirs and legal representatives of Jean Baptiste, Edmond, and Barthélemy Macarty, and were always included in the same reports, and whereas, a great part of the above mentioned evidence applies to all the said lands indistinctly, it became necessary and proper for them to join in this petition.

The petitioners aver, that all the aforesaid claims are good and valid, according to the laws and usages of the Spanish government in Louisiana, and wouldhave been perfected into complete grants, if Louisiana had remained under the Spanish government; that the said tract of land of 80 arpents front on bayou Têche, has been in actual

use, possession, and cultivation, between sixty and seventy years; that the said lands, on and near the bayou Vermillion, were granted without any condition whatever, they being nearly altogether prairie lands, and then only considered fit for stock-farms, and that the said Macarty had during many years a considerable stock-farm on the same, and such buildings and other improvements as were necessary for that purpose.

The petitioners shew, that they are not aware, and do not believe that any persons are in possession of any part of said lands under titles different from that of the petitioners, or without their consent and permission; nor has any part of said lands been sold or otherwise disposed of by the United States:—

Wherefore, the petitioners pray that the United States be, by their District Attorney for the State of Louisiana, cited, and that their aforesaid respective titles may be declared valid and binding on the United States, and confirmed.

And petitioners further pray for their costs and for all such other and further relief, as the nature of this case may require, and to justice and equity may appertain.

Signed, LS. JANIN,
of Counsel.

June 16, 1846.

(For "Report" said to be "annexed" to the foregoing Petition, see page 18, hereof.)

And thereupon, at the same term, to wit: on the 20th day of June, A. D. 1846, was issued from the clerk's office, the following process of

Citation.

United States District Court, sitting in and for the District of Louisiana, to the Marshal for the District of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, United States Attorney, to appear before the Honorable Judge of the District Court of the United States sitting in and for the District of Louisiana, at a District Court to be holden at New Orleans on the first Monday in August, 1846, then and there to answer a petition in chancery filed against the United States, wherein Macarty *et al.* are petitioners, and the United States is defendant.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the Honorable T. H. McCaleb, Judge, this 20th day of June, New Orleans, 1846, and 70th year of American Independence.

[SEAL.] (Signed) L. E. SIMONDS,
Dy. Clerk.

Mem: The defendant is to enter an appearance in the above cause in the clerk's office, on or before the 1st Monday of August, 1846; otherwise, the petition may be taken *pro confesso*.

Thereon was duly registered, on the 22d June, 1846, the following

Marshal's Return.

Received this 22d day of June, 1846, and on the same day served copies of the within citation and plaintiff's petition on the within-named S. W. Downs, Esq., United States Attorney, in the manner following, to wit:

In person at New Orleans and made this return. June 22d 1846.

For WM. F. WAGNER,
U. S. Marshal.

(Signed) J. H. RINEHART,
Dy. U. S. Marshal.

And further, at the same term, to wit: on the 11th day of November, A. D. 1846, appeared the defendants, by their attorney, and filed the following

Answer.

MACARTY *et al.*
vs.
THE UNITED STATES. } In the District Court of the United States for the District of Louisiana.

The answer of the United States, the defendants in the above-named cause, respectfully shews, that they deny all and singular the facts and allegations in plaintiffs' petition contained.

Wherefore they pray that they may be hence dismissed, and that plaintiff be condemned to pay all costs.

(Signed) THOMAS J. DURANT,
Atty. U. S.

Nov. 11, 1846.

And afterwards, at the February Term, A. D. 1849, of the said court, to wit: On the 29th day of March of said year, the said cause having been called up for hearing, was thereupon entered of record the following

Continuance.

MACARTY *et al:*
vs.
THE UNITED STATES. } 135.

On motion of M. Taylor, Esq. on behalf of the complainants, the U. S. District Attorney thereto assenting, this cause was continued until Monday, the 2d proximo, at 10 A. M.

And further, at the same term, to wit: on the 24th day of April, A. D. 1849, was entered of record the following

Order.

MACARTY *et al.*
vs.
THE UNITED STATES. } 135.

On motion of Miles Taylor, Esq. of counsel for the complainants therein, it is ordered that this cause be assigned for hearing, on Wednesday, the 2d proximo.

And afterwards, at the May Term, A. D. 1849, to wit: on Tuesday, the 22d day of May of said year, was entered of record the following

Order.

MACARTY *et al.*
vs.
THE UNITED STATES. } 135.

On motion of M. Taylor, Esq., of counsel for the complainants, it is ordered that they have leave to amend their petition.

Whereupon, at the said May Term, to wit: on the 28th day of May, A. D. 1849, appeared the plaintiffs, by their counsel, and filed the following

Amendment.

MACARTY *and others*
vs.
THE UNITED STATES.

Your petitioners, by way of amendment to the original petition, leave of the court being first had and obtained, further shew that the grantees of the said tracts of land were residents in the late province of Louisiana at the date of the said grants, and that the claimants under the same, J. B. Macarty, and also Edmond Macarty, Barthélemy Macarty and Céleste Macarty, were residents of the territory constituting the said province, on the 10th day of March, 1804.

(Signed) JANIN and TAYLOR,
Attorneys for Petitioners.

May 28, 1849.

And further at the same term, to wit: on the 29th day of May, A. D. 1849, was entered of record the following

Opening of Cause.

MACARTY *et al.*
vs.
THE UNITED STATES. } 135.

This cause came regularly up for hearing to-day, Miles Taylor Esq. for plaintiffs and Thos. J. Durant Esq. for defendants, of counsel present. Evidence was adduced and read on behalf of the plaintiffs, the defendants' exceptions thereto reserved; when the further hearing thereof was continued until to-morrow, the 30th inst., at 10 A.M.

And accordingly, on the said 30th day of May, A.D. 1849, being at the May Term, Wednesday, May 30th 1849, was entered of record the following

Closing and Submission of Cause.

MACARTY *et al.*
vs.
THE UNITED STATES. } 135.

The hearing of this cause was to-day resumed and additional evidence offered on behalf of the plaintiffs, defendants' objections thereto reserved; when the same having been closed and argument heard, the court took the case under advisement.

Evidence.

And be it remembered that the evidence offered herein by the plaintiffs on the said 29th and 30th days of May, 1849, on the trial of the cause is such as is set forth in the following statement or abstract and hereinafter copied at length on the pages indicated in said statement.

Statement or Abstract of Evidence.

I. The plaintiffs offered certain extracts from the records of the Land Office at Opelousas, found between folios 63 and 78 of the bound book of manuscript documentary evidence exhibited in court and filed and from folios 179 to 198 of this transcript "to prove the presentation of plaintiffs' claims."

II. They offered a document purporting to be a copy of the report of the register and receiver of the Land Office at Opelousas, on their claims, under date of February 1st, 1843; which document is said to be "annexed to plaintiffs' petition" (page 5 of this transcript), and is hereinafter copied from folio 18 to 87 (inc.) of this transcript.

III. They offered the deposition of Paul Briant, taken May 8th

1849, under a commission and accompanying interrogatories issued from this court; which deposition, &c. appears from folio 88 to 96 (inc.) of this transcript.

IV. They offered the deposition of Edward Simon taken in open court, on the 17th of May, 1849; which deposition appears on folio 97 of this transcript.

V. Evidence in relation to "Lesassier tract" 80 arpents front on both sides of Bayou Têche: "Chicot tract" Vol. 8d Pub. Lands, p. 140, No. 99.

1°. Plaintiffs first referred to page 67 of "bound book" *i. e.* page 183–4 of this transcript.

2°. Plaintiffs offered the affidavit of Theodore Macarty (shewing loss of papers in the fire in N. O.) at page 123 of "bound book" *i. e.* page 215 of this transcript.

2°. *Nota.* In connection herewith, the plaintiffs also offered the admission of counsel found on folio 97 (2°) of this transcript.

3°. They offered the deposition of C. Lareau Trudeau, on pages 65–6–7 of "bound book," *i. e.* folios 181–4 of this transcript.

4°. They offered the deposition of Ls. C. De Blanc (as to existence of act under private signature by N. Lesassier, and loss of it by fire) on pages 25–26 of "bound book," *i. e.* folios 144–5 of this transcript.

5°. They offered the ratification and declaration under oath as to sale, made by the widow Lesassier original on pages 187–8–9; and translation on pages 37–8 of "bound book," *i. e.* folios 274 and 154–5 of this transcript.

6°. They offered the deposition of Philippe Boutté (as to possession of Lesassier; sale by him to Macarty; possession of the latter; cultivation, &c.); original on pages 179–80–81, and translation on pages 33–4, of bound book, *i. e.* folios 268–9, and 150–1 of this transcript.

7°. They offered the deposition of François César Boutté; original on pages 175–6–7 and translation on pages 31–2 of "bound book," *i. e.* folios 265–6–7, and 148–9 of this transcript.

8°. They referred to the "Recensement Général du Poste des Attakapas," from pages 153 to 160 and particularly to page 159 of "bound book" (to shew that Macarty had 216 arpents of land there) *i. e.* folios 247–254 of this transcript.

9°. They offered the affidavit of Paul Briant and receipts thereto appended; said affidavit and receipts found on pages 148–4–5–6 of "bound book," *i. e.* folios 231–235 of this transcript.

10°. They offered the deposition of Ls. Chas. De Blanc (to prove

payment of taxes); original on page 191, and translation on page 39 of "bound book," *i. e.* folios 277 and 157 of this transcript.

11°. They offered the deposition of Claude Frilot; original on pages 183–4 and translation on page 35 of "bound book," *i. e.* folios 271–2, and 152 of this transcript.

12°. They offered the deposition of Joseph Andrews, on pages 105–6 of "bound book," *i. e.* folios 203–4 of this transcript.

13°. They offered the deposition of Louis Moreau Lislet, on pages 149–50–51 of "bound book," *i. e.* folios 243–6 of this transcript.

14°. They again referred to the testimony of Judge Briant (folio 231–4 of this transcript.)

VI. Evidence in relation to "Etier Tract," 20 arpents, on both sides of Bayou Vermillion. Vol. 3d, Pub. Lands, p. 140. No. 101.

1°. Plaintiffs referred to and again offered the affidavit of Theodore Macarty, as to loss of papers &c. on page or folio 15–18 of this transcript.

2°. Ratification, by Pierre Etier, jr. in the name of his mother, the widow Etier, of sale made by her to J. B. Macarty; orig. on pages 197–8 and translation on page 45 of "bound book," *i. e.* folios 280–1 and 159 of this transcript.

3°. The affidavit of Catherine Baudouin, widow of Pierre Etier, on pages 49–50 of "bound book," *i. e.* folios 164–6 of this transcript.

4°. Extract from the inventory of the estate of Pierre Etier, sr.; original on pages 203 to 214, and translated extract on page 59 of "bound book," *i. e.* folios 285–94 and 175 of this transcript.

5°. Four confirmations (B Nos. 1335, 1336, 1337, 1338) by commissioners West. Dist., Orleans Territory; on pages 51 to 58 of "bound book," *i. e.* folios 167–174 of this transcript.

6°. Survey and plan on page 113 of "bound book," *i. e.* folio 208 of this transcript. Reference also to Paul Briant's deposition, folio 231.

7°. Depositions of Pierre Lapointe and Jos. Hébert, on pages 125 and 129 of "bound book" (to shew improvement and cultivation), *i. e.* folios 219 and 223 of this transcript.

8°. Certified copy of Requête and Order of Survey, in favor of Pierre Etier, 1782–83, on folio 98 of this transcript.

VII. Evidence in relation to "Boudousquié Tract," 40 arpents front on both sides of the Vermillion and 40 deep. Vol. 3d, Pub. Lands, p. 140. No. 100.

The plaintiffs offered:

1°. Affidavit of Theodore Macarty (to prove loss, &c.), on folio 215 of this transcript.

2°. Affidavit of Antoine Boudousquié (acknowledging and ratifying sale to J. B. Macarty); original on pages 215–16, and translation on pages 61–2 of "bound book," *i. e.* folios 295–6 and 176–8 of this transcript.

3°. Confirmation, marked B No. 1338 (in which allusion is made to this tract), on page 51 of "bound book," *i. e.* folio 167 of this transcript; and also the survey on page 118 of "bound book," *i. e.* folio 208 of this transcript.

VIII. Evidence in relation to five tracts granted to J. B. Macarty and his three children, viz:—

a. One of 84 arpents front by 84 deep, prairie Sorel or Megnine, to J. B. Macarty.

b. One of 40 do. do. by 40 deep, both sides of the Vermillion, to same.

c, d, e. Three tracts, each of 40 arpents front by 40 deep, on both sides of the Vermillion: the four last all below and adjoining the "Boudousquié tract." Vol. 3d, Pub. Lands, pages 140, 141 and 235: Nos. 102, 103 and 104.

The plaintiffs offered:

1°. Testimony of Chs. Lareau Trudeau; commission on page 101 and answers on page 65 of "bound book;" *i. e.* folios 199 and 181–2 of this transcript.

2°. Documents marked 1, 2; 4, 5; 7, 8; concessions and orders of survey, 5th July, 1786, with doc. 10 (for elucidation) on folios 99 to 109 (inc.) of this transcript. Vide, also, confirmations, on pages 72, 73, 74 of "bound book;" *i. e.* folios 191–194 of this transcript. Reference also to entire document from page 68 to 78 of "bound book;" *i. e.* folios 179–198 of this transcript.

3°. Depositions of Martin Donato, Andrews, Jos. Tricou, and C. Boudousquié, pages 103, 105–6, 107, 109, of "bound book;" *i. e.* folios 202, 203–4, 205, 206 of this transcript.

Tract *a.*

4°. Requête or pétition of Louis A. George Desmarets; original on pages 217–18, and translation on page 117 of "bound book;" *i. e.* folios 298–9 and 210 of this transcript; and confirmation of same to Geo. Burrel, B. No. 951, on page 119 of "bound book;" *i. e.* folio 211 of this transcript.

5°. Confirmation, in favor of Wm. White, B. No. 1237, on page 121 of "bound book;" *i. e.* folio 213 of this transcript. (In both of said documents mention being made of "lands of Macarty.")

6°. Affidavit of P. de la Houssaye, Marvin Mouton, M. Broussard and J. B. Trahan, pages 127, 135, 133, 131 of "bound book;" *i. e.*

folios 221, 227, 226, 225 of this transcript; also those of Andrews, Lapointe and Hebert, referred to 3°.

Tracts *b*, *c*, *d*, *e*.

7°. Township Plat: T 14. S. R. 3 East, on page 115 of "bound book," and do. do. T. 13 S. R. 3 East, on page 113 of same; *i. e.* folios 209 and 208 of this transcript.

8°. Deposition of Paul Briant and receipts appended. Folios 231–5 of this transcript. Also deposition of Villéjoint, on page 141 of "bound book;" *i. e.* folio 229 of this transcript.

9°. Certificate of facts, &c. by Valentine King, register, November 1, 1831, on pages 231–2 of "bound book;" *i. e.* folios 310–11 of this transcript.

10°. Deliberations of the inhabitants of the Attakapas, concerning the Lafourche Canal, original on pages 221 to 227; and translation on pages 163–8 of "bound book;" *i. e.* folios 302–307, 258–63 of this transcript.

11°. Extracts from Tax-List, made by F. Gardère, Treasurer of La., on pages 147–8 of "bound book;" *i. e.* folios 240–2 of this transcript. References also to receipts for taxes on pages 144, 146, 155, 161, 163, 219; to depositions of Lislet, page 149, and Villejoint, page 141 of "bound book;" *i. e.* folios 229, 300 of this transcript.

Attest: ROBT. M. LUSHER,
Dy. Clerk of the Court.

Nota.—The entire "bound book," to which reference is had in the foregoing abstract, was offered in evidence by the plaintiffs and admitted by the court, subject to all the legal exceptions raised by the United States Attorney. Said book is embraced between pages 110 and 319 of this transcript.

EVIDENCE.

Vide Abstract, folio 12 *of this Transcript.*

Copy of

II. Report of the Register and Receiver of the Land Office, at Opelousas, under date February 1, 1843. Uncertified and herein copied *verbatim et literatim.*

An act for the final adjustment of claims to lands in the State of Louisiana. *Section* 1*st.* Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, "That any person or persons, having claims to lands in the State of Louisiana, whose claims have been recognized by former laws as valid, but which have not heretofore been confirmed to the grantees, or legal representatives, be, and they are hereby authorized to present their claims to the Register and Receiver of the Land Office in which the land may be, within two years from the passage of this

act, together with the written and other testimony in support of the same and the said register and receiver shall record in a book to be kept by them for that purpose, the notice of every claim so preferred together with the evidence in support of the same, and the said register and receiver are hereby further authorized to receive any evidence, for and in behalf of other individuals who may resist the confirmation of any such claims either in their own behalf or, of the United States, and cause to be taken any evidence which shall be deemed necessary and proper by them, to have such claims properly and justly settled, and to have the same likewise recorded in said book, for which service in recording the applicants' title papers and evidence, they shall receive from said applicants, at the rate of twenty-five cents for every one hundred words."

Section 2d. "And be it further enacted, &c., that it shall be the duty of the register and receiver at the Land Office, at or before the session of each session of Congress thereafter, to make to the Secretary of the Treasury a report of the claims which may have been presented before them, together with the testimony, accompanied by their opinion, of the validity of each claim and such other information respecting them as may be in their possession, which said report shall by the Secretary of the Treasury be laid before Congress, as soon as practicable with the opinion of the commissioners of the general Land Office touching the validity of the respective claims."

Approved February 5th, 1835.

Land Office at Opelousas, State of Louisiana.

To the Honorable the Secretary of the Treasury of the United States.

The undersigned Register and Receiver of the Land Office at Opelousas, pursuant to an act entitled, "An Act for the final adjustment of claims to lands in the State of Louisiana," approved February 6th, 1835, and at the earnest solicitation of the claimants and parties interested in the claims of the heirs of Jean Baptiste McCarty, Edmond Macarty, and Barthelemy Macarty, and of Celeste Macarty, the widow of the late Paul Lanusse, respectfully have the honor to submit the following report on the same which have been filed in this office since the 4th day of March, 1836, in order that, through your instrumentality, they may be laid before the honorable Congress, that a final decision may be had thereon, as is in justice due to the claimants, as well as to the community in which district the land claimed is situated.

We have the honor sir to remain respectfully

Your most obt. servt.

(Signed) P. L. HEBRARD,
Register.

(Signed) R. BENGRUEL,
Receiver.

The heirs of Jean Baptiste Macarty, Edward Macarty, Barthelemy Macarty, and Celeste Macarty, widow of the late Paul Lanusse, claim the following tracts of land situate in the County of Attakapas, viz.:—

1st. A tract of land containing eighty arpens, front, on both sides of Bayou Teche known as "Chicot Noir," tract purchased by Jean Bte. Macarty in the year 1780 or 1781, from Vincent Lesassier.

2d. A tract of land containing twenty arpens, front, on both sides of Bayou Vermillion with the ordinary depth of forty arpens, purchased by Jean Bte. Macarty from the widow Elin subsequent to the year (a short time) of 1784.

3d. A tract of land containing forty arpens, front, on both sides of the Bayou Vermillion, by forty arpens in depth, purchased by Jean Bte. Macarty, from Antonio Boudousque, in the year 1784.

4th. A tract of land containing a league square or eighty-four arpens front, by the same depth, situate in the Prairie Sorrel, near the lower part of Bayou Vermillion, granted to Jean Bte. Macarty.

5th. A tract of land containing forty arpens of land front, on each side of Bayou Vermillion with the usual depth of forty arpens, granted to Jean Bte. Macarty, and adjoining the claims.

6th. A tract of land containing forty arpens front on each side of the Bayou Vermillion, with the usual depth of forty arpens adjoining the tract above described, and granted to Edmond Macarty.

7th. A tract of land containing forty arpens front on each side of Bayou Vermillion with the usual depth, of forty arpens, and adjoining the tract of Edmond Macarty, granted to Barthelemy Macarty.

8th. A tract of land containing forty arpens front, on each side of the Bayou Vermillion, with the ordinary depth of forty arpens, and adjoining the tract of Barthelemy Macarty, granted to Celeste Macarty.

In support of the foregoing claims, there is a mass of evidence and testimony of various kinds, which we shall proceed to embody in support of each claim taken in rotation as designated above commencing with the tract purchased of Vincent Lasassier, containing eighty arpens front, known as the, "Chicot Noir tract." On the 24th September, 1824, Pierre Decuire being first duly sworn, states, that he is about sixty years old, that when he first came to Attakapas to reside, he was fifteen or sixteen years of age, that he was acquainted with Mr. Sorrel who died some years since, and who lived where Mr. Frederick Pellerin now lives, in the parish of St. Mary's, that for several years after witness came to Attakapas, he was in the habit of visiting said Sorrel, that on going there and returning he had to pass by, "Chicot Noir," that there was a man by the name of Dunman living there, on the land of Macarty who kept a large stock of horses and cattle for Macarty, that on several occasions he stopped at Dunman's house, who told him that he kept a large stock

of animals for Macarty, by whom he had been placed there, that the horses and cattle were branded, J. M. I., which was Macarty's brand, witness does not know how long this establishment continued, that Dunman afterwards moved lower down the bayou and that he has been dead a long time: witness further states that he acted (that is witness acted) as Macarty's agent in Attakapas, a long time before the change of government, that after Baptiste Boutte repaired the Attakapas church, the amount necessary to pay for the work was raised by assessing all the lands of the Attakapas Post, and witness states, "that in conformity with a letter from Macarty he paid to said Boutte, Macarty's portion of taxes for eighty arpens of land front, on each side of the Bayou Teche," at, "Chicot Noir," and other lands which Macarty had in Attakapas, that Boutte gave him a receipt for the money so paid, which receipt witness states he handed to Macarty, and that Macarty paid him the amount of it; witness further states, that he has no letters of Macarty's in his possession, that he burnt some, and that he gave some to Judge Porter at the time he gave evidence in the case against Prevost's heirs, which he believes was for part of Macarty's tract at, "Chicot Noir," witness further states that a Mr. Duforest then living in Attakapas, thought that Macarty had more than eighty arpens front at "Chicot Noir," that Duforest measured it and found it only about that quantity, that neither Duforest or himself were surveyors, but that Duforest was a man of information and understood surveying. Witness informed Macarty of this survey and of the result, that this occurrence took place, about one year after Mr. De Blanc came to live in Attakapas, in the survey referred to, witness says that Duforest began at Jean, Louis, Hebert's lower line, and measured down to Francois Collet's upper line, that there were no posts at the upper line, but that at Collet's line he found posts and trees blazed at the upper line, that he did not measure the east side, that he has never been there, and knows of no settlement there, witness further states that Jean Bte. Bainget and Pierre Bon Villain, once settled on Macarty's land and they informed the witness, that they had quit the land in consequence of Macarty's having sent them word, that they would loose their improvements if found within his lines, and that he should sent a surveyor to have it measured, that this was the cause of those settlers moving off the land.

Louis C. de Blanc, on the following day gave in substance, the following testimony, viz: That in the month of July 1796, he took command of the post of Attakapas, at which time he states, he was seventy-one years of age, Witness states that previous to his coming to Attakapas to reside, Jean Baptiste Macarty, informed him that he had a vacherie at that post, at a place called, "Chicot Noir" and that on going there, witness says, that he saw the old posts of the cabin on the land of the "Chicot Noir," where the vacherie was still kept, that the cabin was in ruins. Witness further states, that he saw a title "Sous Seing Prive," in the hands of Jean

Baptiste Macarty, from Vincent Lesassier, in favor of said Macarty, for eighty arpens front, at a place called "Chicot Noir," which land was bounded above, by land belonging to Jean Louis Manniel, that the eighty arpens front commenced at the land of said Mannuel, on both sides of the Teche and ran down the said bayou, that he examined the title well, and witness further states, that at the time the said title was given, it was the practice and usual form of the country, to pass such acts under private signatures, or before the commandant in the capacity of "Notary" as the parties desired, Witness states that he understood that these documents, together with other important papers belonging to Macarty had been destroyed by fire, and further that Macarty informed witness that, he had got a ratification of the above-mentioned claim or title, from Madame Lesassier, the widow of Vicent Lesassier, which he obtained in consequence of a perfect knowledge that persons were very negligent respecting their claims, and in obtaining the necessary documents to secure their titles, Witness further states, that he has heard Louis Delahoussaye often declare that the lands at, "Chicot Noir" belonged to Macarty, that the said Mr. Delahoussaye has given to witness his oath to that effect, and further that (such was Delahoussaye's firm belief that the lands belonged to Macarty), *that* he advised witness to purchase the lands, soon after he came to Attakapas to settle, Witness further states that he paid the taxes on said land of Macarty's, that he paid the taxes some years before the change of government and since the cession of Louisiana to the United States, until the death of Macarty—Witness further says, that it is to his own knowledge, that Jean Pierre Decuire, and Valentine Duforest, made a survey of the land belonging to Macarty, at, "Chicot Noir," and that they found eighty arpens front, on the west side of Bayou Teche, that they did not survey the land on the east side, that the object of Duforest's survey was to ascertain, whether there was not more than eighty arpens, but there was not more than that quantity found, The evidence of the two foregoing witnesses was taken before Jacob Clements, justice of the peace, acting in and for the parish of St. Martin, and certified by the honorable Paul Briant, parish judge of the said parish, dated 29th September, 1824.—The following testimony of François Cesar Boutte was taken on the 18th day of September, 1824, before Joseph French, justice of the peace, in and for the parish of St. Martins and certified by the honorable Paul Briant, parish judge of said parish, viz.; François Cesar Boutte declares that he is well acquainted with a tract of land lying on Bayou Teche, at a place called, "Chicot Noir," sold by Jean Bte. Macarty to Nicholas Prevost—Witness says that he has been living at New Town in that vicinity since 1772, distant from Macarty's upper boundary line about two leagues, that in 1775, he saw Vincent Lesassier, settling on the said land, building a dwelling-house, outhouses and fences on the right or west bank, that

Lesassier raised indigo on the land for several years, at which time Lesassier resided on it, he Lasassier, told witness that he owned eighty arpens front on each side of the bayou, and that he had acquired it by exchange, giving lands at Grosse Isle near the Vermillion for it, that Lesassier cut wood on the east side, for his houses and fences. Witness states that Lesassier sold his land to J. Bte. Macarty, about the year 1780, that Lesassier had told him, that he had sold to Macarty eighty arpens front, on each side of the Teche, that in the year 1780 or 1781, Macarty took possession of these lands, by putting on a force of four or five negroes, and a white man who remained there five or six years, that Macarty had a vacherie on this tract, and a clearing made on the east side, where the negroes belonging to him raised corn, and that they also raised corn on the west side. Witness goes on to state, that when Macarty withdrew his negroes from said place, that he left all his houses and fences standing and that there were vestiges of the same visible eight years afterwards, witness further states, that shortly after Macarty took possession of this land, he had a crossing or a ferry made and erected a wharf on each side of the bayou, he also made a bridge on the west side and that the bridge is still in existence and bears the name of "Macarty's Bridge;" witness states that Macarty resided at this time at New Orleans, but that he made frequent visits to "Chicot Noir," witness further states, that he at one time mentioned his intention of cutting some cypress trees, on the east side, and that one St. Marc Darly, who was then probably Macarty's agent, forbid him doing so without Macarty's consent; witness says that there was no cypress on the west bank of the river; witness further states, that the primary object of the two wharfs or ferries referred to, were to cross the horses and wak oxen from one side to the other of the bayou as might be required, and in conclusion, witness states, that under the Spanish government, lands and slaves were frequently sold without passing any act, that sometimes acts of sale were passed under private signature, and sometimes, before the commandant of the post, witness also states, that he has always heard the "Chicot Noir," tract spoken of as belonging to Macarty, that it was a fact generally known in Attakapas, among the oldest inhabitants, that the land was designated by Macarty's name. Witness, in allusion to the expression of cutting cypress trees on the east side says that it was in or about the year 1780.

The testimony of Phillippe Boutte, taken the same day, before the same authority and likewise duly authenticated, corroborates minutely every particular of the foregoing testimony of Francois Cesar Boutte, and stating further that when Macarty's negroes arrived on the land at, "Chicot Noir," Lesassier was still on the place.

In further support of this claim the claimants have produced, a formal ratification of the sale of this property, from Vincent Lesassier to Jean Baptiste Macarty, by Mrs. Maria Modeste Barbue,

widow by her first marriage by François Barbue, and by the second marriage of Vincent Lesassier, done on the 12th day of May 1804, before Pierre Pedescleaux Notary Public at New Orleans. The declaration of Madame Widow Lesassier, states, that her late husband, Vincent Lesassier, did sell to Jean Baptiste Macarty by an act under private signature, and under the express condition of ratifying the same to the said Macarty in the year 1780, or thereabouts a certain tract of land having eighty arpens front on both sides of Bayou Teche, in the district of Attakapas at a place commonly called le "Chicot Noir," bounded above by the land at that time belonging to Mr. Borel, and below by the land of Victor and Charles Duon, for which tract of land the said Macarty then paid her said husband in cash, that the sale was made with her consent, that she and her husband, bound themselves by promise, to have the same executed before a notary public, whenever the same should be required by Macarty, and which at that time had not been done on account of the loss of the title papers of the said property, by the great fire at New Orleans in the year 1794, which also destroyed other valuable papers belonging to her late husband, declaring under the sanction of an oath, that being positively convinced of the payment of the price of said land, and of the promises made by her late husband, and herself to ratify the sale, she felt herself in duty bound to do so, and that Macarty has justly and truly paid the full value of said lands, and that he has been in possession of the same without opposition for twenty-two years. The evidence of Louis C. Deblanc taken the 28th September 1824, states that he has paid the taxes on J. B. Macarty's lands, since his arrival in Attakapas 1796, until several years after the government of the United States took possession of Louisiana, that the tract commonly called "Chicot Noir," sold to Nicholas Prevost, is one of those for which deponent paid taxes, that the tax was assessed on eighty arpens front, on both sides of the Bayou Teche, that this tract of land was generally considered in Attakapas as Macarty's property, that when deponent arrived in Attakapas, the ruins of the improvements made by Lesassier on this tract, were still in existence, and further that it was the custom then to claim concessions or to purchase lands situated on both sides of the bayou, because only one side is wooded; that the bank opposite to a tract of woodland is prairie, this fact is verified by the testimony of Claude Frilot, who says that the Bayou Teche has not wood on both sides, hence the application for grants of land, calling for both sides of the bayou, in order to procure wood for building and for fences, the evidence of Claude Frilot corroborates all *all* the previous evidence in regard to the "Chicot Noir," tract, he states that he has been residing near the land for forty-seven years, that the oldest inhabitants designate that tract, as the property of Macarty, and to show the usage of selling property under the Spanish government, without passing any notarial act, he says that he himself has bought a A. Dela-

houssaye and paid for in cash, a tract of land of which the sale was passed to him twelve years after the purchase was made, and cash paid.

The evidence of Joseph Andrews goes to show, that Macarty once kept a large stock of cattle at "Chicot Noir." Deponent says that he has been a planter in the post of Opelousas, since the year 1785, that when he first came to Opelousas it was in the year 1781, he was then twenty two years of age, that he left very soon afterwards for Attakapas, that in travelling through that district he saw J. Bte. Macarty's stock at the place called "Chicot Noir," on Bayou Teche, that the stock keeper was a man by the name of Dunman, that he deponent afterwards went to live at the "Pare Perdu," which place is about two leagues north east from the Bayou Aux Tigres, and west of said bayou, and between it and Bayou Vermillion, that while he was living there only a short distance from Prairie Sorel, Macarty's stock was taken to said Prairie Sorel by this same Dunman, who had kept it, at the aforesaid place called, "Chicot Noir," that the stock was very numerous.

The testimony of Judge Paul Briant discloses very important facts, his deposition was taken before

Fusilier justice of the peace in and for the parish of St. Martin the 10th October 1831. Witness states that in the year 1813, he was appointed sheriff, and in 1815, parish judge of the parish of St. Martins, that in the year 1814, he was appointed one of the assessors of said parish, and that he went with one of his co-assessors to the Vermillion, to inspect and assess, the lands belonging to said district, and has understood from old residents that the Macarty family owned on the lower Vermillion, several tracts of land, which were designated to deponent in the following manner and which he accordingly put down on the Tax list, viz.:

JEAN BAPTISTE MACARTY, . .	164 arpens.
EDMOND MACARTY, . . .	40 arpens.
BARTHELEMY MACARTY, . .	40 arpens.
PAUL LANUSSE, husband of CELESTE MACARTY, . .	40 arpens.

Deponent further states that at that time lands were assessed according to Spanish usage, that is per arpent front to a water course, that under the Spanish government was of very little value and easily obtained, that the transactions concerning lands, between the old inhabitants were very loose, that deeds of lands were very generally passed under private signature, they designated in common parlance lands by the number of arpens front, without specifying whether the land was situated on one, or on both sides of the bayou, and that it was generally understood that an arpent front, meant one arpent from on both sides of the bayou, by forty deep, that many concessions were on both sides of the bayou, that this mode of dealing was likewise to be found in the private writings of

the old inhabitants, in wills, inventories, &c. in designating lands, even in the public writings of the Post of Attakapas, the same mode of designation is given. Deponent refers to "The general list of the property owned by the inhabitants of Attakapas, serving for the assessment of taxes for the repairing of the church of that post in 1781," which document is preserved in deponent's office, that he gave a copy of the same to the heirs of Macarty. Deponent states that he is acquainted with many of the families, and the lands designated in the aforesaid document, and that he has found in several instances where he traced such a tract of land to its present possession, that it contained the number of arpens expressed in the "list," as stated above on both sides of the bayou with forty arpens deep, and that the tract has been originally such. Deponent further states, that frequent investigations have proven to him that under the Spanish government, the archives were kept very carelessly, and that many papers have been lost, this circumstance deponent says, is the cause and will explain how papers which ought to have been filed and found in his office, are missing. Deponent states, that he has understood from the oldest inhabitants, that no other taxes were paid under the Spanish government, but the contribution for internal improvement, *but the contribution for internal improvements* upon which the inhabitants themselves had agreed. When such contributions were to be made, public meetings were held and the rate of assessment duly determined, lists of all the real estate property of the inhabitants were made, and each assessed in proportion to his property, the deponent says that there are but three instances of these contributions on record in his office, and that from conversations had with the oldest inhabitants, he has not been able to trace out any other, and that in all these, three cited contributions, Jean Bte. Macarty has been a large contributor, that in the contributions, for the repairs of the Attakapas church in 1781, J. Bte. Macarty, is set down for 216 arpens, the largest land holder, and deponent believes that the above mentioned 216 arpens, were situated on both sides of the respective water courses, for reasons which he has already stated, the second instance of a general contribution was in 1788, for the purpose of a road from Berwicks Bay to Lafourche, but neither the general list of property, nor the deliberations of the inhabitants, nor any other document whatever relating to this public work, is extant in deponent's office, deponent however states, that the road and the contributions was a matter of public notoriety. Deponent gives the translation of a receipt in possession of the heirs of Macarty, of a receipt for money paid on this occasion, which is as follows:—

"I have received of Mr. de Macarty, the sum of one hundred and "twenty eight dollars, being the amount which he owed for Collets "road, and the Plaquemine Works.

"New Orleans, March 7th, 1788.

(Signed) BERRARD,
Syndic."

Deponent says that he recognizes the receipt and the signature to be the hand writing of Berrard, from a long acquaintance with him and from having seen him write and sign his name, and deponent further says, that the road was called "Chemin de Colet," because it was made by a man of that name, and that Berrard held the office of syndic for several years. Deponent states that the 3d and last instance of general taxation, are the repeated contributions for the Canal of Lafourche, the general list of property, the basis of every assessment is again wanting, but the deliberations of the inhabitants fixing the rate of taxes have been preserved, and copies have been delivered to the heirs of Macarty, the rate of assessment have been repeated on the receipts, of which the Macartys have produced two before deponent for the purpose of having the signatures proved. The first is dated Attakapas August 27th 1797. Jean Baptiste Macarty is taxed for 206 arpens, these may be arpens front on both sides of the bayou, for reasons which deponent has already given, and which deponent says he thinks might be proved with great ease, if the general list of property made on this occasion had not been lost, "deponent states that he has compared the signatures of Phillippe Duclellange, F. L. Lagronnd, and Louis de Blanc with numerous acts signed by them, and pronounces them genuine "deponent says that, "the 2d receipt is dated Attakapas April 15th 1800, and signed by P. Duclellange and F. L. Lagronnd, "and that Jean Baptiste Macarty is again set down for the same quantity of arpens as above," and that the signatures are genuine to his belief. Louis Moreau Lislet, states under oath that he was personally acquainted with James White decd. and is acquainted with G. W. Morgan, at present sheriff of the parish of New Orleans, that he knows their signature having often seen them write and sign their names, and that he recognizes their signatures to the three receipts of taxes annexed to this affadavit as true and genuine. Said receipts are as follows: 1st. A receipt for four dollars and 28 cents, assessed on forty arpens of land front on the Bayou Vermillion, owned by Edmond Macarty dated March 16th 1807, and signed on the back James White. 2d. A receipt in the French language, the translation of which is as follows, viz.: "Mr. Macarty owes for his land thirty dollars and ninety seven cents, as taxes for the year 1807 paid.

(Signed) JAMES WHITE,
Parish Judge.

3d. A receipt transcribed thus:

Received of Col. J. B. Macarty thirty six dollars and eighty seven cents, for James White, Judge of the Parish of Attakapas.
New Orleans, 22d September, 1808.

(Signed) G. W. MORGAN,
Territorial Treasurer.

Deponent further states, that it is to his knowledge that in 1807, Geo W. Morgan was Treasurer of the Territory of Orleans, and James White was Parish Judge of the Parish of St. Martin, Attakapas, which then embraced the whole of the former Spanish part of Attakapas, that it has since been subdivided. Deponent further states that since the cession of Louisiana to the United States, the territorial as well as the State taxes, were always distinctly assessed and collected in each individual parish, and that under the territorial government, the parish judge was collector of taxes, said judge collected and gave receipts only for taxes due on property situate in his parish, and therefore the above mentioned receipts are only for the taxes paid on land in Attakapas.—Deponent further states, that he knows the handwriting of F. Gardere, the present Treasurer of the State, also of L. T. Caire a notary public in the city of New Orleans, and Gallian Preval, Judge of the City Court of New Orleans, that he is personally acquainted with them and has often seen them write and sign their names, and he recognizes their signatures to the following documents as true and genuine, viz: an extract from the tax list of the State showing the taxes paid since the admission of Louisiana into the Union, on tracts of lands claimed by the family of Macartys, Bayou Vermillion dated New Orleans July 14th 1831, and (signed) F. Gardere.

A certified copy of the ratification of sale of a tract of land on Bayou Vermillion, sold by Antonio Boudouisque to J. B. Macarty, signed, and dated New Orleans July 1st, 1831, L. T. Caire, Notary Public; the affidavit of Theodore Macarty and of Celeste Boudouisque, sworn to and subscribed in New Orleans, Nov. 16th, 1831, and signed by Gallien Preval judge of the City Court.

The foregoing testimony of Louis M. Lislet was taken before Honorable Judge Gallien Preval Novr. 22d, 1831.

The 2d claim of claimants is for a tract of land, containing twenty arpens front on both sides of the Bayou Vermillion, with the ordinary depth, of forty arpens, purchased by Jean Baptiste Macarty, from the widow Etier subsequent to the year (a short time) of 1784,—This claim is represented to be a grant made by the Spanish government, to Pierre Etiere senr., and sold to J. B. Macarty by Madame Catharine Brandoin widow of the said Pierre Etiere, senr., some time about the year 1784. this sale was made under private signature, no record of which can be found, and the original was destroyed by the great fire in New Orleans in the year 1794. and this sale appears to have been afterwards ratified by the vendor. The following documents are filed in support of this claim, viz: The declaration of Pierre Etier, specially authorized by Catharine Bandoin widow Etier his mother, ratifying in the name of the latter the sale of a tract of land sold by her to Jean Bte. Macarty.

This 22d day of April 1805, before me Henry Hopkins commandant of the post of Attakapas, personally appeared Pierre Etier,

authorized by his mother Catharine Bandoin, by special power passed before Charles Louis Deblanc, civil commandant of this post to make before us the following declaration, and having taken the oath required, he has declared—"That after the death of his father Pierre Etier, his mother sold to Jean Bapte. Macarty of her own free will and accord, by act under private signature and with the express condition to pass an act of sale before a notary public when requested, a tract of land situate in Prairie Sorel with all the thereon—and as the title, and the act of sale have been burnt, with other papers belonging to the purchaser in the great fire of 1794, and the appearer not recollecting the number of arpens front which said land had, he declares that it was for the same number of arpens front on both sides of the Bayou Vermillion—deponent declares, moreover, that not having reserved to himself any right to said land, that the said Macarty succeeds to all his (deponent's) rights, and possesses said land under the same title, and the deponent further declares, that he has received of said purchaser the sum of four hundred dollars, which were paid on the day of sale, deponent moreover promises never to make any opposition to the enjoyment of sd Macarty, as the said land in its aforesaid condition is his property, the deponent has signed the foregoing declaration, as true and worthy of belief, in presence of Charles Olivier, Derezin, Barthelemy Dejean, and Jean Bte. Peytavin. (Signed) Pierre Etier (acting under a special power of my mother).

The above signatures are proved by Judge Briant, by authorization of Henry Hopkins commandant. Philippe Ducrollange repaired to the house of Mrs. Catharine Boudoin, widow Etier, wife of William Dex, by second marriage, in order to take her declaration in relation to a tract of land, sold by her many years ago to Jean Bte. Macarty, and said Mrs. Dex, having been duly sworn declared, "That after the death of her first husband (Pierre Etier), she sold to J. B. Macarty a tract of land situate in the Parish of Attakapas, Prairie Sorrel, with all the improvements then on it, that she sold said land for the sum of four hundred dollars, which were then paid to her in cash, by said Macarty. Deponent states that she does not recollect the date of the sale or the extent of the tract sold, nor whether it was passed before a notary public, or under private signature—deponent further says, "that she sold to sd Macarty the whole tract of land which she owned as concession to her late husband, at the said place, 'Prairie Sorrel,' that she gives the present writing to serve as an act of sale, that the land may be enjoyed by him, (Macarty,) and disclaims any further right over it, the said purchaser declares that the titles which have been delivered to him, have been burnt with other papers belonging to him, in the fire of, 1798. And in order that said purchaser may be enabled to acquire the necessary information concerning the extent of the aforesaid land, deponent informs said purchaser, that the information required is contained in the inventory of her husband's estate, which

was made by Mr. Massiert, whose place is now occupied by Mr. St. Ammand, she moreover declares that said tract of land, is situate in Bayou Vermillion, and has an equal extent on both sides of said bayou. The foregoing testimony was taken on 6th day of May 1805, in presence of William Dex, Pierre Etier, and P. Duclollange, Paul Briant certifies the same to be a correct copy from the original on file in his office, the 21st Sept. 1824.

The following is an extract from the inventory of the estate of Pierre Etier jr., alluded to in the foregoing testimony of Madame Etier. viz; In a small trunk several papers were found, among which "the following concessions,"

"A concession granted by Governor Miro executed by Declouet "commandant of Attakapas, dated February 3d, 1783, for 25 "arpent. No. 6,"

"*A concession for twenty arpens in Attakapas, on Bayou Ver-*"*million, dated October 8th 1782, and numbered 9.*"

"A concession for ten arpens granted to Pierre Etier the son, "dated Decr. 4th 1782, in Attakapas, numbered 10."

"A concession granted to Antonio son of Pierre Etier, for ten "arpens in Attakapas, dated Decr. 3d 1782."

"A concession of ten arpens granted to Alphonse Etier, son of "the late Etier, granted Decr. 2d, numbered 12."

"On the 26th August 1831, Catherine Boudoune widow of Pierre Etier states, under oath, that Pierre Etier her first husband, asked and obtained (about fifty years ago), from the Spanish government, four concessions of land on Bayou Vermillion, viz; one for himself and one for each of his sons Pierre, Antonio and Alphonse, deponent further states, that her husband Pierre Etier died in 1784, that three or four years after his death, Jean Baptiste Macarty, who had then a stock farm on the Bayou Teche, at the place called 'Chicot Noir,' proposed to deponent to give her in exchange for her late husbands' concession on the Vermillion, a tract of land, 20 arpens front, on both sides of the Bayou Teche, part of the aforesaid tract owned by said Macarty, at the 'Chicot Noir,' which is the same on which Ursin Prevost now lives—deponent states that she refused making the proposed exchange, that she offered to sell to said Macarty, the said tract of land and that Macarty agreed—and that the land was accordingly sold to him for four hundred dollars, paid to her cash in hand, at which time she delivered to said Macarty the Spanish concession or first decree, granting said land to her husband—Deponent states that she was afterwards informed that her sale to Macarty and the Spanish concession which she had given up to him, had been destroyed in the great fire which consumed a great part of the city of New Orleans, in the year 1794, and of which deponent says she has distinct recollection, deponent states that she lived at that time about three leagues above New Orleans; and further that after this event, J. B. Macarty, applied to her for an act of confirmation of the sale of aforesaid tract of land, and that she complied with his

request—Deponent cannot positively affirm the quantity of arpens granted to her husbands concession, but believes that it was for forty arpens front on both sides of the bayou, deponents husband petitioned for this grant, and those of his three sons, (which three she recollects were for ten arpens front on both sides of the bayou) at the same time—that the tract of her husbands was adjoining those made to his sons—Deponent further states, that it was the intention of her husband to make one farm of the whole, that he might superintend while protecting his own interest, that of his childrens portion, who were then very young, and that some time before her husbands death, he went on said tract of land to prepare it for a stock farm, that he made a pen and built a house for the stock gatherers, soon after which he died, when Macarty traded with her for the land—Deponent says that Macarty told her he wanted it was for a stock farm and that she understood subsequent to the sale of the said land, that Macarty had removed the stock farm he had on Bayou Teche, to the Vermillion—Deponent says further that she is wholly disinterested in this matter having been paid for the land more than forty years, and renounced her right to same in favor of said Macarty—The three claims alluded to in the foregoing affidavit, granted to the sons of Pierre Etiere for ten arpens front on both sides of the Vermillion, will be found to have been confirmed as per certificate B 1335, 1336, each being for a moiety of the tract granted to Alphonse Etier B. 1337, and B 1338, to Pierre and Antoine, these certificates are filed with the notice and correspond with the extract given from the inventory of the estate of Pierre Etier, jr.

Joseph Herbert deposes that he has been about sixty years a planter on Bayou Vermillion, between forty and fifty years ago, deponent says he knew Macarty, who resided at that time at New Orleans, that he would frequently come on a visit to the lower Vermillion, where he would stay from two to four weeks at a time—deponent believes he came to look after his stock farm, which he (Macarty) had down there below the Prairie Sorel. Deponent says that he resides on the upper Vermillion, and has not seen Macarty's stock farm there, but that it was generally known throughout the country, that Macarty had a stock farm at the aforesaid place; deponent does not know the extent of the land owned by him on the lower Vermillion, that he was frequently told that Macarty owned land there. Deponent further says, that all the old Spanish concessions on the Vermillion, called for both sides of the bayou; deponent says that he has known Pierre Etier, jr., and knows that he has made improvements on the Bayou Vermillion, some distance below the Whites; deponent says he has seen said improvements, and that Etier died very soon after making them, and closes his testimony by saying that this may have been about forty eight years ago. The following is the affidavit of Jean Baptiste Trahan;—he states that for forty-seven years past, he has been a resident on Bayou Vermillion, that in the year 1786, and 87, he knew that J. Bte. Macarty

had a stock farm on the lower Vermillion, which was attended by a man by the name of Dunman, and his sons, that Dunman was known as the agent or overseer of Macarty. Deponent says that he went himself down to said stock farm, saw a house and a parc or pen on it—that he made use of the parc to keep his cattle, and that said part of the Bayou Vermillion was unsettled, and that no other inhabitants were on it but said Dunman and his sons. The foregoing testimony is fully confirmed, by the testimony of Martin Louis Bronssard, who affirms to the same facts, and furthermore states that Macarty had several slaves on the farm, one of them whom he knew was called Tom Macarty, that one of the Macarty's came several times at that time from New Orleans (where he lived) to the Bayou Vermillion; that Macarty bought once a good many horses and mares, from deponents father. This testimony was taken on the 2d November, 1831, at which time deponent had been a planter on the Bayou Vermillion thirty-five or forty years. Maun Mouton, being duly sworn, states, that he settled on the upper Vermillion more than forty years ago, that he knows John Dunman and James his son, that Jacob Ryan an orphan lived with them, Dunman, the father, often told deponent that he kept the stock farm of Macarty, in the prairie below the Gross Isle on the east bank of the lower Vermillion, said Ryan often told deponent that he assisted Dunman, to keep Macarty's stock farm; that many persons spoke of stock farm belonging to Macarty, it was a fact generally known in the country, that Macarty owned the land on which he kept the stock farm. Testimony taken the 1st October 1831. Grogoire Villejouir, Sheriff of the Parish of Lafayette, being duly sworn on the 3d day of Novr. 1831, deposes that since the year 1810, he had been a resident of which is now the parish of Lafayette, and was formerly part of the parish of St. Martin; that in the year 1820, 1821, and 1822, he was one of the assessors of the parish of St. Martin; that as such he made enquiries about the lands which the Macarty family were said to own on the Bayou Vermillion, and was informed by old residents, that they owned the following tracts of land, which jointly with his co-assessors he according put on the tax list, viz; estate of J. Bte. Macarty situate on the Bayou Vermillion, 164 arpens estimated in 1820, at $6,560, and in 1821, it was estimated at $8,200. Barthelemy Macarty, Edmond Macarty and Paul Lanusse, each forty arpens, valued in 1820, at $1600, each tract in 1821, at $2000, each. Deponent further says that since the year 1823, he has been sheriff and collector of taxes of the parish of, Lafayette, and knows that the taxes of the aforesaid land, have been regularly paid by the Macarty family and that during the time that he was assessor, the lands were still put on the tax list according to the Spanish mode, by counting only the number of arpens front on the bayou, so that the above number of arpens, means arpens front on Bayou Vermillion; deponent closes by stating, that it was a fact generally known that the Macarty's were extensive land owners on the Bayou Ver-

million. The deposition of Pierre Lapointe was taken on the 26th Oct. 1831, he stated under oath that he is passed his sixtieth year, that since his tenth year he has always lived on the lower Vermillion, in his youth he lived with his father at Grosse Isle on the lower Vermillion, and kept the stock farm of Charles Dugat, below the Gross Isle, in the "Prairie Sorel" and deponent knows that Macarty had a stock farm there, said farm was kept by the Dunmans, father and son, and by Jacob Ryan, who lived with them, all of whom deponent has known—the Dunman's are dead; Jacob Ryan lives in the Calcasue, deponent has often seen Macarty's stock farm, and while he lived at Gross Isle, went there almost every Sunday; deponent has known Pierre Etier the father; deponent recollects distinctly that about forty-five years or a little more, said P. Etier came to deponents father and contracted with him for the building of a house on the land claimed by sd P. Etier, on the lower Vermillion, said tract of land adjoined the tracts claimed by the children of sd P. Etier, deponent states that his father built said house, that he has seen and been in said house, deponent says further that Macarty claimed the land below the Etiers' on the Vermillion, this was generally known through the country already many years ago, it was equally known that the land on which Macarty kept his stock farm, was also his.

The third tract of land claimed, is a tract purchased by Jean Bte. Macarty, of Antoine Boudousque in 1784, situate on Bayou Vermillion, having forty arpens front, by forty arpens deep on both sides of said bayou.

The following document is filed with the notice in support of this claim, viz: The ratification of a sale of land sold to Jean Bte. Macarty, by Anto. Boudousque, translated by L. Janin, Esq., this 6th day of June, in the year 1804, and of the Independence of the United States the twenty-eighth.

Before us Pierre Pedesclaux, Notary Public of the United States of America, at the city of New Orleans, the capital of the State of Louisiana, personally appeared, Antonio Boudousque, a citizen of this city, who, after having taken the oath required in such cases, has declared to us, that in the year 1784, or thereabouts, he sold of his own free will, and having the right of doing so, to Jean Baptiste Macarty, by act under private signature, and with express condition to pass an act of sale before a notary public at his (said Macarty's) first request, a tract of land situate in the District of Attakapas, at the place called "Prairie Sorell" with all the improvements thereon it, which tract of land has forty arpens front on each side of Bayou Vermillion, that as the price of said tract of land, said Macarty has paid to appearer in cash, the sum of four hundred dollars, that, since said period, said Macarty having neglected to ask him to pass an act before a notary public, said Macarty could have no other title but the act under private signature, which was formerly delivered to him by this appearer, that in the fire of 1798,

deponent lost all his papers which became the prey of the flames, and said Macarty also lost his papers; that Macarty has continued to use said land on the faith of the promise of this deponent, to furnish him an authentic title; that having had the misfortune, of losing in said fire, the titles of said concession which were granted to him for said land, by Don Bernado de Galvez, the governor of this province, it is impossible for him to recollect precisely the date of said concessions or the names of the inhabitants whose concessions bordered on it, for this reason, that at the aforesaid period, said district of country was very little inhabited, but as it would be unjust that said Macarty should suffer in consequence of said circumstances, and should experience difficulties on account of his said property, said appearer has declared to us under the sanction of an oath, that having been paid by Macarty, he renounces for ever as well in his own name as that of his heirs, all his right to said tract of land, in favor of said Macarty, the true and only owner, who has used and enjoyed said land for more than twenty years, and said appearer has requested us to embody the preceding in a public act, to serve and be used by the said Macarty for all legal purposes, and so we have accordingly done.

Done in our office at New Orleans, on the day &c. aforesaid, in presence of Claude François, Buhoved Dargz, a lawyer, Jean Baptiste Ramirez, Joaquin Hozand, and Edmond Minner, witnesses residing in this city, who have signed this act with the aforesaid appearer, in our presence. The original is signed by witnesses and Pierre Pedesclaux, notary public, certified by Louis T. Caire, notary public. The tract of land alluded to in the above act of sale, is mentioned as one of the boundary lines of the claim confirmed to Pierre Etier, commissioner's certificate B, No. 1338, filed with the notice, which seems to be the only satisfactory evidence of its existence all the other documents seem to have been destroyed in the great fire of 1798.

The foregoing pages compose all the important evidence in relation to the three claims said to have been purchased by Jean Bte. Macarty, of Vincent Lesassier, Widow Etier and Antoine Boudousque, and as the remaining five claims granted to Jean Bte. Macarty and his true children will be examined collectively, we will first produce the evidence of the destruction of the original title papers, and sales, under private signature, together with other valuable papers belonging to Jean Baptiste Macarty, by two calamitous fires, which took place in New Orleans, in the year 1788, and 1794, viz.: The affidavit of Theodore Macarty brother of Jean Baptiste Macarty taken before Judge Preval in the city of New Orleans 16th Nov. 1831. Being duly sworn, deponent says, that he was born in the city of New Orleans, and that he is brother of the late Jean Bte. Macarty, whose claims to lands in the western district of Louisiana, are now to be brought to the notice of Congress by his heirs, that he has no interest in the matter, never having had any right in any

one of the tracts of land purchased by, or granted to his late brother, that it is to his knowledge that the lands now claimed by the heirs of Jean Bte. Macarty are really their property, said lands having partly been granted to J. B. Macarty and his children, and partly purchased by him. Deponent has seen Governor Miros decree of concessions of five tracts of land to J. B. Macarty, and his children, while they were still in the hands of his brother, they were afterwards destroyed in the office of Charles Savin Fendreau, the surveyor general for the province of Louisiana by the great fire of 1788, as deponent has been frequently informed, deponent was then absent from the country, but this fire was often mentioned to him, and is still held in lively remembrance by the old inhabitants; deponent was acquainted with the handwriting of Governor Miros, who was his brother-in-law. The tracts granted on the Bayou Vermillion, were five in number, one for eighty-four arpens, by eighty-four in Prairie Sorel, and four tracts on both sides of the Bayou Vermillion, having each 40 arpens by 40, on each side. Deponent was frequently, while Louisiana was still a Spanish colony, in Attakapas, and several times on the Vermillion, and always found that all the inhabitants were perfectly aware that the above mentioned lands were the property of Jean Bte. Macarty and his children; there were no other settlers on these lands, but those whom Macarty had sent there, to take care of his farm, (a stock farm) that J. B. Macarty petitioned government for these lands for the purpose of establishing extensive stock farms on them, deponent is of opinion that these lands, would certainly have been demanded of the government by other persons, if it had not been known that they had already been granted to Macarty, as these lands were near the sea surrounded on several sides by sea marshes, and on that account particularly adapted to stock farms, at that time the only source of revenue of the inhabitants of the country. Deponent has a knowledge of the three tracts of land granted to his brother in Opelousas, adjoining to the land of Joseph Thirny or Theny, that sd. Theny always lived in Opelousas, and deponent was acquainted with him, Theny did commercial business in Opelousas, and J. B. Macarty who has obtained from the Spanish government a special permission of importing English goods, furnished sd. Theny with goods, and was for many years connected in business with him. J. B. Macarty askd the above mentioned concessions in Opelousas adjoining to Theny's tracts in order to establish a stock farm, on them, in partnership with the said Theny, and soon after the date of the concessions, a stock owned by Macarty & Theny in common was put on the land. Deponent further states, that he was in New Orleans at the time of the great fire of 1794, and lived then in the house with his brother; the house was of wood, as nearly all the houses in New Orleans then were, and had two stories, the lower being occupied by a store, and the upper by his brothers dwelling, when the fire broke out, deponent happened to be about six or eight minutes walk from his house,

and at the first alarm went to his house. He found his brother on the roof of his house with his servants endeavoring to save his house; the wind was very high, and the progress of the flames most rapid—the surrounding houses were already on fire when J. B. Macarty, still persevered in his exertions, but the flames having suddenly gained his house, he had hardly time to leave the roof in safety. J. B. Macarty immediately invited deponent and some other persons to try save the most valuable property contained in the house, but they found the staircase on fire, and his brother returned from his ineffectual efforts, with his coat partly burnt, his hands injured, and without his hat. Nothing was saved of the property contained in the house, all the papers of J. B. Macarty, comprising his land titles were destroyed, and deponent lost himself everything he had in the house, such was the violence of the flames, that deponent and his brother could only gain the levee (the bank of the Mississippi) unhurt; half of the town was burnt by this fire. Shortly after Macarty made a declaration or protest before a notary public, in which, after having recited the circumstances of the fire, and mentioned his useless efforts to save his property, he deposed under oath, "that all his papers had been destroyed. Deponent knows that besides the above mentioned land titles J. B. Macarty's commercial books, and many notes of hand were burnt, and that his brother, had in consequence great difficulties with his correspondents and debtors, and suffered very considerable losses. Deponent states that J. B. Macarty, died in 1807, very suddenly, without having time to put his papers in order, that Edmond Macarty who afterwards had charge of the land business of the family, died in 1816, leaving minor children—that Paul Lanusse husband of Celeste Macarty, and subsequent agent of the family in these land claims, met with heavy losses in his commercial business, which embarrassed his affairs and absorbed all his attention, which obliged him to travel some time in Mexico with a view of prosecuting his claims to a large amount in that country, where he died in 1825. The circumstances of the two great fires alluded to in the foregoing testimony of Theodore Macarty, is spoken of in the following documents, viz: Widow Lesassier, evidence, page 10 of this Report.—Louis C. Deblanc evidence " "
Vincent Lesassier's Ratification of sale page "
Pierre Etier, declaration page " " "
Widow Etier's declaration " " "
Widow Etier's affidavit " " "
Antonio Boudousque's Ratification " " "

Although a portion of the evidence embodied in support of the three claims purchased by J. B. Macarty, in some measure goes likewise in support of the five claims granted to Macarty and his three children, we have deemed it necessary to examine these five claims, apart from the purchased claims, and more particularly so,

as three of them have already been reported on twice—first by the board of commissioners, in their report of 1st May, 1815, and afterwards by the register and receiver, in their report of 30 Decr., 1815, in which reports from the connection given to them, with three distinct claims in the district of Opelousas, which are referred to in the affidavit of Theodore Macarty, as title papers destroyed in the great fire, we are induced to think that these claims were not thoroughly investigated, at least we shall regard it our duty to embody in this report every document which the claimants have filed, with their notice, and draw our inference accordingly to the best of our judgment for the final action of Congress.

On the 5th day of October, 1831, Pelletier Delahoussaye, of the parish of St. Martin, after having been duly qualified states, That his father purchased in the year 1777, or 1778, a tract of land on the lower Vermillion, of one Pedro, to whom it had been originally confirmed or granted, this is the same tract of land which now belongs to Rice and part to Merriman. Deponent went on that tract of land frequently, as often as five or six times a year, it was the common understanding of the inhabitants of the country, that the land on Bayou Vermillion below deponents fathers land, belonged to Jean Bte. Macarty, and to the Etiers, but in what order these tracts followed each other, deponent does not remember, it was generally known that Macarty's land extended down the bayou to near the sea marsh, there were no other concessions besides those of the Etiers, and those belonging to the Macartys. John Bte. Macarty had besides, another extensive tract of land on Prairie Sorel or Mequine. Deponent's father had a stock farm, on the Bayou "Aux Tigres." J. B. Macarty had also a stock farm on Bayou Vermillion, but deponent does not exactly recollect on which of his lands he kept it, deponent remembers however that Aaron Drake, who kept deponent's father's vacharie or stock farm, assisted sometimes in collecting Macarty's animals for the purpose of branding them, and deponent's father lent him horses to that effect. It is to deponent's knowledge that all the lands of the Macartys on Bayou Vermillion and the tract in Prairie Sorel, were surveyed by Victor Potier—deponent was sometimes present at these surveys, notice was given to the neighbors and five or six appeared, of whom deponent recollects, Benjamin Bronssard and Jean Langlernois, both deceased, he also believes that Auguste Hebert, who then kept deponent's stock farm, was present or at least has a knowledge of said survey and its circumstances—no opposition was made by those neighbors to Macarty's claims, nor has deponent heard at any time any objections to them, the rights of the Macartys to those claims were a matter of fact, and of public notoriety. Deponent's late father was particularly acquainted with the claims of the Macartys on the Vermillion, and always expressed a decided opinion concerning their justness.

The following receipts for taxes paid by Macarty under the Spanish government, shows the land assessed was 246 arpens, viz:

Attakapas Recd. Book, page 334.

1st. "Mr. Macarty owes for his share of the payment made by "the Post of Attakapas, according to the resolutions of the com- "mandant and the syndic of the post, for 246 arpens at 5—6. "$13 50.

"Received the above amount, April 16th, 1791.

(Signed) BERNARD,
Syndic.

Approved by me, the commandt. of the post,
(Signed) FRAN. CASA Y LINQUA.

2d. In the general estimate of property, for the purpose of assessment, for the works on Bayou Lafourche, lands have been appraised at $12, the arpent and the general list of property having been made out, it has been determined that for every $1950 of property one laborer should be furnished and for the persons who have not furnished a laborer, the daily wages of such have been at five bits per day, which for 55 days during which the work has been continued, amounts to $33 per laborer; Mr. Macarty owes for 246 arpens at $12, one laborer and a-half equal to $49 50 the present amount is correct.

Attakapas, 27th Augt, 1797.

(Signed) PHILIP DUCLOLLANGE,
Depository of the Public.

Approved by me the commandant
(Signed) DE BLANC.

"Received of Mr. Macarty, thirty dollars and two bits, for the "amount of one hundred and forty-six arpens of land situate in the "Post of Attakapas for work in the Lafourche, he has to pay one "negro and a half with whom he was charged, having none in the "post.

(Signed) "F. L. LAGRONE."
"Nov. 7th or 19th, 1797.

"Received of Mr. Macarty $18, and six bits, for the balance due "on the above account.

(Signed) PHILIP DUCLOLLANGE."
"New Orleans, 24th, 1797.

3d. "Mr. Macarty owes for his share, in the second payment "made for the Lafourche works, 246 arpens of land at $12, amount-

"ing to $2952, appraised value, the contributions being at the rate "of 35 cents, for one hundred dollars, $10 8 bits.

"The present account correct, errors excepted.

(Signed) PHILIP DUCLOLLANGE.

"Attakapas, April 16th, 1800.

"Received the above-mentioned amount Oct. 3d, 1800.

(Signed) "F. L. LAGRONE."

These receipts are certified by Valentine King, Register of the Land Office at Opelousas, as a true copy from the records of his office, at the page 334 of the book called "Attakapas Record Book." The register or petition of Louis A. George Desmaret for a tract of land on Bayou Vermillion, also filed with the notice of these claims, asks for lands opposite to the lands of Mr. Macarty. Taxes assessed since the admission of Louisiana as a State in the Union, on certain lands on Bayou Lafourche in Attakapas, claimed under Spanish concessions by J. Bte. Macarty, and his three children: an extract from the tax lists of the parish's preserved in the office of the Treasurer of the State, likewise filed with the notice, shows that in the year 1812, these several tracts numbering 284 arpens together on Bayou Vermillion, was valued at 14,200 dollars, tax amounting to $42 60 cents in 1813, the same in 1814—246 arpens, valued at $11,360, taxed $34 08 cents, in the year 1815 no specific tax lists were returned to the office of the Treasurer of the State, but only a summary of the taxes assessed, in 1816 these claims were not assessed, neither were they in 1817; in 1818, the tax list of the parish of St. Martin, to which these lands belonged is wanting; in 1819 no specific tax list was sent to the office of the Treasurer, but only a summary of the taxes assessed, in 1820, 284 arpens valued at $11.300, amount of tax $27 and 25 cents,—in 1821, 284 arpens, valued at $14.200, tax paid $33.37 cents—in 1822, 384 arpens, valued at $14.200, tax $33.37 cts.—1823, the parish of St. Martin was divided into two parishes, St. Martin and Lafayette, in 1824, Paul Lanusse paid on Celeste Macarty's tract of forty arpens, valued at $2000, tax $4.80 cts., in 1825, the Macarty claims do not appear on the tax list of the parish of Lafayette, neither in 1826, nor 1827, in 1828, 16.686, arpens valued at $8.328, tax $25.84 cts., in 1829, 16.656, arpens valued at $62.465 tax $87.00, in 1830, the list of the parish of Lafayette, had not been received at the office of the Treasurer, when F. Gardere certifies the above to be a faithful extract from the tax lists of the parishes preserved in his office, this certificate of the Treasurer is dated February 14th, 1831. There is likewise filed with the notice of the claims, a general list "of the property of the inhabitants of Attakapas," and state of the receipts relating to the wants of the church of Attakapas, conformably to the deliberations of the parish, of the 1st of April, 1781, in which Macarty is taxed on 216 arpens. This record is certified by Judge

Briant, as a true copy from the original on file, in his office, and that the original is among the records of the former Spanish commandants of Attakapas, and made part of said records. The assessment of property in those days, were done by deliberate assemblies of the inhabitants. The following is a translation of the first deliberation of the inhabitants of Attakapas, concerning the Lafourche Canal, also filed with the notice of those claims, to wit;

This 10th day of September of the year 1795. We Don Franc. Casa y Lengno, Liet. of Infantry in the regiment of and civil and military commandant of this post, with their assistance in order to deliberate concerning the place where a road ought to be made to the capital and concerning the least burthensome means to make said road, the said syndics have reported to us, that the respective inhabitants, of their quarters, demanded unanimously, that the road be made, by Lafourche dis Chitimaches. A different opinion has been reported only by Mr. Pierre Negat, who declares that his quater wished to work on Plaquemine, with the inhabitants of Opelousas, and by François Carmonche, who has also told us that the greatest part of his quater, had decided in favor of Plaquemine. The same syndics voting for Lafourche, Aux Chetimaches, deliberating on the necessary means for the performance of said canal, have determined without loss of time that an exact list of all the property situated in this part, shall be made, that slaves whatever may be their age or sex, shall be estimated at two hundred dollars, cattle and mares of one year and upwards, at four dollars a head, an arpent of land at twelve dollars, of the reported property of the different quaters, a general mass will be made, which will be divided in such a manner, that each furnishing at the rate of a certain sum of money, the whole number of workmen will be two hundred. It is agreed that those who have men, to choose persons capable of working that New Town, (Nouvelle Iberia) shall be the place of meeting for their departure on the 20th of Oct. next, that a general inspection shall then be had, and that every workman judged not capable, shall be sent back, and he who has sent him be compelled to furnish another, said inspection shall be held by Mr. Oliver Devezin, chosen by the generality of syndics, to superintend and direct the whole works, each quater shall choose among the men it will have furnished, a man to direct, the part of the work which will be assigned to it (the quater). It is moreover agreed, that every workman who being at Lafourche, who shall be found unfit for the work, shall be sent back, and another hired at the expense of him who furnished the first one, and this shall be ordered by the director of the works; every one has to take with him provisions, for two months, and to provide himself with utensils, the necessary cordage and a pirogue or canoe.

Done at the presbytery on the day, month and year aforesaid, the original is signed), Franco. Casa y Luengo, Oliver Devezen, Louis Delahoussaye, Nichs. Gainard, Joseph Babin, N. Rousseau,

A. Fusilier, Formen Bro, Aman Dugat, Sorel Containine, Louis Indici fils, Francois Carmonche, Juan de Soxar, Señal de Cruz, de Francisco Bronssard.

The foregoing document, is certified by Judge Paul Briant, parish judge of the parish of St. Martin, to be a true copy from the original on file in his office, and that the signatures of Franco. Casa y Luengo, the former Spanish Commandant of the post of Attakapas, and all the other signatures signed thereto, are true and genuine.

A second deliberation for the same object took place on the 28th Jany. 1798, in which Louis Chs. de Blanc, civil and military commandant of the post of Attakapas, presided, with a large portion of the inhabitants, who together sign their names to the proceedings, which document, is also filed with the notice, and certified by Judge Briant, in a similar manner to the first deliberation. The commissioners, appointed for the purpose of ascertaining the right of persons to lands in the territory of Orleans, and Louisiana, under the N. B. 951, confirmed to Geo. Burrel of the county of Attakapas, a tract of land containing forty arpens front, by forty arpens in depth, situate in the county of Attakapas, on the Bayou Vermillion, opposite to the land claimed by Macarty, by an order of survey in favor of George Louis Desmarets, which tract of land was transferred by deed of sale, dated 16th of July, 1790, to the conference, a copy of the certificate is filed with the notice, and refers to the register or petition of George Louis Demaret, mentioned on page 34 of this report, a full copy of which is also filed.

The same commissioners confirmed another claim, which likewise calls for lands opposite to the lands claimed by Macarty; this is claim, cert. B. No. 1237, for a tract of land confirmed to William White, a copy of which will be found on file with the notice.

We will now in conclusion of this long mass of evidence subjoin the deposition of Charles Laveau Trudeau, formerly surveyor general under the Spanish government, taken before the Honorable Moreau Lislet, city judge at New Orleans, the 29th day of April, 1818, by a commission, of the board of commissioners of the western land district of the State of Louisiana.

Reposing confidence in you, we do hereby appoint and commission you to examine under oath Charles Laveau Trudeau, respecting the several claims of Jean Baptiste Macarty; here follows a list of the several claims referred to in the foregoing pages, including a tract purchased from Louis Indice of 30 arpens front, by the depth of 40 on the Bayou Teche.

1st. Have you any knowledge of title papers having been obtained from the former government, for any or all of the above described tracts of lands? if so, for which tracts? what was there nature? requite's, orders of survey or comple grants?

2d. If you have any knowledge of title papers having existed of these lands, by what means do you derive it?

3d. Do you know what has become of the papers, if any ever existed?

4th. Relate all you know with respect to said papers and land.

Present the honorable James Pilot of the city and parish of New Orleans, personally appeared Charles Laveau Trudeau, a planter of this parish, and formerly a surveyor general under the Spanish government, who being duly sworn according to law to answer to the interrogatories embraced in said commission, as follows, to wit:—

To the 1st interrogatory answers: That he has no knowledge of the several tracts of land, mentioned in the commission as having been purchased from Louis Indice, Vincent Lesassier, Pierre Etier, and Boudousque, but that he has a knowledge of a tract in the name of the late John Bte. Macarty, on the Vermillion having eighty-four arpens front, by the same depth towards the sea, that the deceased had not a complete grant, of the same, but only a decree or order, rendered on requette by Governor Miro, as it was usually done on every application for grants, and which was called the first decree, "of grant, (premier decrit de concession)" that he has this knowledge because he saw the original paper, which was delivered to him by the late John Bte. Macarty, sometime in the year 1782, or 1783, when he, this appearer, went to Opelousas, that this appearer has a knowledge of 4 grants, made to the late J. B. Macarty, and to his three children, on both sides of the Vermillion, having each forty arpens front, by the depth of fifty, which made for the four tracts 160 arpens front, by the depth of forty arpens on both sides of Vermillion; that the deceased and his children had only obtained the original decree or order, on requtes, for three grants from Governor Miro, and he this appearer, saw the original orders, which were delivered to him in the time, in order to make the necessary surveys, that he this appearer has no knowledge of the lands which are said to have been possessed by the late John Bte. Macarty or his children at Opelousas.

To the 2d interrogatory, answers: That he got a knowledge of the title papers, which he before mentioned, because the original papers or decrees were delivered to him in order to go and make the survey of the lands, so granted to the late John Bte. Macarty and his children, and to several other persons at Attakapas and Opelousas.

To the 3d interrogatory, answers: That he, this appearer, having received these papers from the interested parties for the aforesaid purpose, went at first to Opelousas, and that when there, he was called at Natchez by Governor Miro, to superintend to fortifications, and was prevented to go to Attakapas to execute his commission, because being at Natchez, he fell sick and to recover was compelled to return to New Orleans, where he remained in possession of the papers, which had been delivered to him, as well as those belonging to his office as surveyor general, as far as the year 1788, when the

whole was burnt in conflagration which took place in this city about the month of March of the said year.

To the 4th interrogatory or question, answers: That he recollects among the papers delivered to him by J. Bte. Macarty as aforesaid, there were several besides the decrees and orders by him mentioned, but having not particularly examined them, he cannot say if they were relative to the other lands purchased by him, or granted to him at Opelousas, (signed) Charles Trudeau, (signed) J. Petol, judge of the parish of New Orleans. Certified to the deposition of C. L. Trudeau, by Louis Moreau Lislet, by whom it was transmitted to the commissioners, and is now of record and on file in this office—a true copy of the same is filed with the notice.

The nature of these claims and the peculiar circumstances attending them, the apparent neglect with which they have been treated, together with the unsatisfactory manner in which they were reported on by the commissioners, on the 1st May 1815, has induced us with a view of doing justice to the claimants, as well as discharging scrupulously the duty enjoined upon us, to be thus prolix in embodying the evidence of these claims, and having read the same with great care and attention, beg leave to submit the following

Report.

The first suggestion in the premises which recurs to our minds, is how did Vincent Lesassier, become possessed of the tract of land, 80 arpens front by 80 arpens in depth, on both sides of the Bayou Teche, at "Chicot Noir," which he sold to Jean Bte. Macarty in the year 1780, in the ratification of this sale, made by the widow V. Lesassier on the 12th day of May 1804, which is given in full, on pages 9 and 10 of this Report, it is stated under oath, that the said tract of land was positively sold to Macarty and paid for, and that the sale made under private signature was not ratified in consequence of the destruction of the *title papers* of the said property, which were burnt in the great fire of 1794, and which consisted of the *concessions which had been made through the Spanish government*, to her late husband, and the rest of the contracts which they had acquired in exchange, made with the Acadians for another tract of land which they had on the Vermillion, this appears to be only testimony, which refers to the existence of a title for this tract of land, from the Spanish government—did this testimony stand alone to establish the right of V. Lesassier to the tract claimed, whatever might be the standing and character of the deponent, which doubtless was of the highest respectability, and however well we might feel disposed to give a gospel credence to her deposition, we should not feel ourselves justified in doing so, but we have before us the most unequivocal and satisfactory evidence of habitation, occupancy, and cultivation of the said land, some years before he sold

to Macarty, by Lesassier, in person. The testimony of François Cesar Boutte and Phillip Boutte is minutely corroborative of the fact. They say that, V. Lesassier settled on the land in the year 1775, that they saw him building a dwelling-house, out-houses, fences, &c., on the west bank of the river Teche, that he raised indigo on the land for several years, that he resided in person on the land, that he cut his timber for the use of the farm on the east side, and that deponent was told by Lesassier, himself, that he had sold to Macarty 80 arpens front on both sides of the river, or Bayou Teche. We are told by Louis C. De Blanc, in his testimony, given on page 6 of this Report, that he saw in the hands of Jean Bte. Macarty a title, "sous seing prive" (under private signature) from Vincent Lesassier, to said Macarty, for 80 arpens front at a place called, "Chicot Noir," on both sides of the Teche, and that he examined the title well. All this evidence, still leaves us in the dark, as to the manner in which Lesassier became possessed of it, further than the declaration of Madame Wid. Lesassier, already alluded to. We cannot however bring ourselves to believe that men like Lesassier and Macarty, who were both men of considerable standing and influence in society, that the former should settle on land to which he had not a just and valid title, and that the latter particularly being a merchant could be gulled into cash purchase of a property, without knowing the chain of title by which he was to possess it, our belief that Lesassier had a title from the government for this land either directly, or by transfer is strengthened from the well-known fact, that the lands referred to, was of the quality and description most sought after, being contiguous to sea marshes, and as Theodore Macarty, says on that account, particularly adapted to stock farms, which at that period was the only source of revenue of the inhabitants of that country, and had it not been known generally that those lands, did actually belong to Macarty, other persons most assuredly would have applied for them, and had the title by which Macarty held this land not been such or other than those granted by the Spanish government, he could not have retained uninterrupted and quiet possession of such a valuable tract of land, as he did for the period of ten years, and the payment of taxes continued under the American government. In the commissioners report of the 1st of May 1815, this claim is embraced under No. 99, the deposition of Lepelletier Delahoussaye, before Judge Eustin of Attakapas, the 5th April 1815, by commission from the board, states, that he knows of Col. Macarty having purchased of Vincent Lesassier, 80 arpens front of land with the depth of 40 arpens on each side of the Bayou Teche, and that the said Lesassier *purchased the same from four other persons*—that the land was bounded above and below by Madame Loisel, that he knew the land well, that it was inhabited and cultivated about thirty years ago, by Vincent Lesassier as an indigo plantation, and that it was afterwards sold to Col. Macarty, who for a number of years inhabited the same by

keeping a stock of horses and cattle thereon, and that afterwards Col. Macarty sold said land to Nichs. Prevost, who has since continued the cultivation thereof, and further that the said land has for many years before the change of government, and even since the sale from V. Lesassier, been known to him and generally as the property of General Macarty, and *that frequent applications were made to the Spanish government for the same land*, and the applicants refused in consequence of *Macarty's claim*, and that the taxes were always paid by Col. Macarty, up to the time said land was sold to Nicholas Prevost. This testimony fully substantiates our previous opinion, that Macarty when he purchased from Lesassier, received his chain of title emanating from the Spanish gov., as the deponent says in plain terms, that "frequent" applications were made to the Spanish government for the same land and refused in consequence of "Macarty's claim." The board of commissioners already referred to, after reporting this claim under No. 99, refer for their decision thereon to No. 104, on reference to this number, of the same reports, we find the following decision in regard to No. 99, viz.: "It appears from the declaration on oath" of Madame Lesassier, and Mr. Delahoussaye, "that Vincent Lesassier purchased "the land in separate portions, from four persons whose names are "not mentioned. The deeds of sale from these persons if produced, "would doubtless afford useful information, as to the quantity and "situation of the land to which the claimants may be entitled." The board then suggests the propriety that Congress should indulge the representatives of Macarty, with time to search for and forward some further written evidence in the case in regard to title, and that in event of the failure of the production of such documents, the board was of opinion the claim in question ought not to be confirmed. The commissioners whose decisions we have just given refer to the testimony of Delahoussaye, which states that Lesassier acquired the land from different persons, this evidence induces us to revert to the testimony of François C. Boutte and Philippe Boutte, attended to previous, to show the habitation and cultivation of Lesassier, both the witnesses say that Lesassier told them that he owned 80 arpens front of land on each side of the bayou, and that he had acquired it by exchange—that he gave lands at Grosse Isle near the Vermillion for it. Widow Lesasssier likewise alludes in the ratification of the sale of this land to Macarty, to the destruction of some contracts which they "had acquired in exchange, made with the Acadians, for another tract of land which they had on the Vermillion." It is a very reasonable conclusion, and we base it upon the last-given evidence of the Widow Lesassier, the Bouttes and Lepelletier De la Houssaye, that a portion of the "Chicot Noir" tract was obtained in exchange from these same Acadians. In the year 1763 and 1765, numerous Acadian families arrived in Attakapas, and were permitted to settle on public lands, and were particularly favored, and their rights protected by the French government.

There is an instance recorded in the claim of Massi L. Dentreive, in the same district where the Vacharie animals of those land holders became so troublesome to the Acadians, that they entered complaints to the proper authorities, and Massi and Dentreive abandoned their possessions on the upper Teche, in favor of the Acadian families; and the French Governor Aubry consents to grant to Massi and Dentrenue lands on the Vermillion prairie, provided they will surrender their titles, to the land which they had abandoned to the Acadians, that the latter might possess uninterrupted titles to those lands. The Spanish governors likewise protected the Acadians in their settlements; they were regarded with philanthropy by the Spanish government, and we can draw a very reasonable conclusion from the contracts of exchange made between the Acadians and Lesassier, spoken of by the widow Lesassier, the two Bouttes, and Lepelletier de la Houssaye, for the tract of land at Grosse Isle given in exchange for the "Chicot Noir" tract, that the last mentioned tract was settled formerly by the Acadian families and that the contracts spoken of were the vouchers produced by Lesassier, when he made his requite or petition for the "Chicot Noir" tract, to show that the Acadians had received other lands in lieu thereof, that their rights had not been usurped, the requite or petition for this land we conclude must have been, if we are to believe the declaration of widow Lesassier, "who tells us that the great fire of 1794, destroyed "the title papers "of the said property, ('Chicot Noir' tract,) which consisted of "the concessions, which had been made thereof by the Spanish "government, to her deceased husband." De la Houssaye in his deposition taken the 5th April 1815, likewise says, that frequent applications had been made to the Spanish government for these same lands, which were refused in consequence of Macarty's claim, which corroborates the fact that the Spanish government, had cognizance of the claim, and in a measure confirms the declaration of widow Lesassier, that a grant or concession was actually in the possession of her late husband, should the suggestion respecting the exchange of lands with the Acadians be the case, it would readily account for the absence of the deeds of sale of this land, which the commissioners in their report thought might be found in the records either in the county of Attakapas, or in the city of New Orleans, which they remark, "would doubtless afford useful information as to the quantity and situation of the land." The most irrefragable evidence is before the present board to establish those points and will be found throughout the testimony embodied in the report, and which has been furnished since the report of the claim, by the commissioners on the 1st May 1815. It will be found from the answers given by Charles Laveaux, Tradeau, to the 1st interrogatory propounded to him, by the commissioners referred to, and given in detail on pages 40 and 41 of this report, that he had no knowledge of the claim said to have been purchased from Lesassier by Macarty —to the 4th which was—relate all you know in respect to said

papers and land,—he answers: "That he recollects that among the papers which were delivered to him by Jean B'te Macarty, as aforesaid, there were several besides the decrees and orders by him mentioned, but that having not particularly examined them, he could not say if they were relative to the lands at Opelousas, these papers were no doubt land titles, but it is very evident they were not the Opelousas grants, as they were not made before the year 1786, and we have the best evidence to show that Trudeau came to Opalousas, for the last time in 1782, or 1783, his own deposition states that it was about that period, and that his object going hither, was to make some surveys for John B'te Macarty and his children, and to several other persons at Attakapas and Opelousas—at which time he had in his possession, the requite or first decree of a tract of land of 82 arpens front, by the same depth twawards the sea, also four other grants to Macarty and his children, calling for 40 arpens by forty in depth, on both sides of the Vermillion, "the question arises what was the nature of the other papers, not particularly examined by him? It is proved that they could not be the Opelousas grants, we cannot doubt but that they were land titles, as he stated on a surveying expedition at the time Macarty delivered them to him, and it is not probable that he would have had any other documents than orders of survey or the first decree of grants on such a tour. Is it not probable that these papers which have not been examined by Mr. Trudeau and received from the hands of Macarty might have been the first decree of the grants purchased by Macarty? It must be observed however that these latter concessions is said to have been destroyed by the fire of 1794, and the documents which Macarty handed to Surveyor Trudeau were destroyed in his (Trudeaus) house in the year 1788, so that if they had been given to Trudeau, when he started for Attakapas and Opelousas in 1782, they must have been returned to Macarty after his return to New Orleans, from that expedition, which it will be recollected was interrupted by sickness, which prevented Mr. Trudeau from completing the Macarty surveys in Attakapas, there is a probability that such was the fact, as all those purchases were made under private signature, and that Macarty withdrew them from the hands of Trudeau to have them ratified, which was the condition of those purchases. This reasoning is adduced that the committee whose duty it will become to examine this Report may give it their consideration. Thus far we have been endeavoring to trace the origin of Lesassiers title, and we are clearly of opinion, that he possessed the land in question in good faith of obtaining a complete grant, or title in form, from the Spanish government. We will now take a brief view of the testimony, which establishes Macarty's right to the same, which it is said he acquired by a deed of sale, under "private signature, in the year 1780,—this loose and simple manner of transacting business—of possessing large estates under "private signature," we are told was a very common thing in those times. Charles Frilot in his testimony states, that

he himself once bought a piece or tract of land, from A Delahoussaye, and paid cash for it, and that he never obtained the legal deed of sale for it, until after the change of government, a period of twelve years afterwards. The honorable Judge Briant, a gentleman of undoubted veracity, extensive information, and of whom it may in truth be said, that he is a "living chronicle of the olden times, tells us that under the Spanish government, *that* lands were of very little value, that the transactions of the old residents concerning lands were very loose, that they passed their deeds of sale of land very frequently under private signature. The testimony of Louis Janin, a gentleman who for his high standing in society and extensive legal acquirements, is entitled to great confidence and respect, states that not only Spanish "law writers, but also the supreme court of this state, in which, the Spanish law, was formerly in force, have recognized it as a principle of the Spanish law, that sales of real property under 'private signature' are valid even against third persons, when accompanied by possession;" testimony like this carries great conviction to our minds, in regard to the validity of sales thus made, and being satisfied on this point, that Jean Baptiste Macarty, held the land which he purchased from V. Lesassier, by an indisputable, title, according to the custom and usage of the times in which the sale was made, and that nothing prevented these sales under private signature from being duly ratified before a notary but their destruction by conflagration, the fact of which is corroborated by a mass of powerful evidence, the possession of Macarty has been established to our satisfaction—the payment of taxes of which the most unequivocal proofs are filed with the notice—the deliberations of the inhabitants of Attakapas concerning the Lafourche Canal," by which all the lands in Attakapas were assessed, we find that Macarty was, assessed for 246 arpens.—The Commissioners who reported on this claim in their Reports dated 1st May, 1815, under the number 99, their decisions in which was given in a general view of the Macarty claims under the No. 104, remark "that, three receipts from John "B'te Macarty" for taxes on his land in the Attakapas in the years, "1794, 1797, and 1800, have been produced before the board;" they must certainly be regarded as an evidence of his being the proprietor of land in that district at those dates." It will be perceived from the notice of the claimants, that it is not their intention to ask for the confirmation of this claim, on the east or left side of the Teche, as it has been lost in suits brought against Macarty's vendees—that portion of the claim acquired by purchase from Lesassier, and which is now presented to this board for confirmation, is the eighty arpens front, on the west side of the bayou, of forty arpens in depth, which is the side on which stood the cabins, houses, and fences of Lesassier and Macarty, and in view of all the evidence filed in support of this claim, which has been read, with the greatest attention and under the fullest belief that the Spanish government would have confirmed it, had the territory not have been ceeded to

the U. States, and all the circumstances considered, this claim is recommended for confirmation.

The claim of Jean Bte. Macarty, being a purchase from the Widow Etier made in the year 1784, or shortly after, for twenty arpens front on both sides of Bayou Vermillion, by the depth of forty arpens, is the next mentioned in rotation in the notice of the claimants. The first thing which we will allude to in this claim, "is an extract from the Inventory of the estate of Pierre Etier, senior," which will be found on pages 29 and 30 of this Report. It will there be seen that amongst the six claims found in a small trunk, was a "concession," for twenty arpens in Attakapas, on Bayou Vermillion, dated October 8th, 1782, and numbered 9. This claim was reported on by the Commissioners in their Report of the 1st May, 1815, under the No. 101. This claim is one, which the heirs of Jean Bte. Macarty the claimants, represent to be a tract of land which was purchased shortly after the year 1784, of Catherine Baudoine, widow of Etier, and wife of Willm. Desk, by second marriage. The Report of the Commissioners already referred to is very circumscribed, merely alluding to the "Declaration of Widow Etier, made before Philip Duclollange under the authorization of Henry Hopkins, then Commandant of Attakapas, dated Attakapas, 5th May, 1805.

The Widow Etier states in substance that she did sell to Jean Baptiste Macarty a tract of land, situate in the county of Attakapas at the Prairie Sorel, with all the buildings, &c., then being on the place, in the sum of four hundred dollars, then paid to her, she does not recollect the quantity by her sold, nor whether the sale was passed before a notary public, or under private signature, but that *she did sell* to said Macarty *all the land*, which she did possess *at that place* of the Prairie Sorel," claiming nothing of this property for herself and vesting the said Macarty with the full enjoyment of the said land, which lies on both sides of the Bayou Vermillion. The concession of this claim to Pierre Etlier by the Spanish government, is said to have been destroyed by the great fire at New Orleans, which consumed the house and property of Jean Bte. Macarty, in the year 1794. It is the duty of this board to investigate the right of Pierre Etier, sr., to this land, which by the declaration of his widow, she sold to J. B. Macarty. She says in her affidavit taken before Joshua Baker, parish judge of St. Mary, the 26th day August, 1831, that three or four years after the death of her husband, which took place in the year 1784, at a place called Cole des Allemand, "John Bte. Macarty, who at that time had a stock farm at the 'Chico Noire,' proposed to exchange with her a part of the Chico Noir tract, for the concession which her late husband had on the Vermillion, this proposition was refused by the Widow Etier, but she proposed to sell to Macarty the said tract of land, and the bargain was closed at $400, which was paid to her in cash, and she declares that at this time she delivered to Macarty the

Spanish concession or the first decree, granting said land to her husband. In support of this claim conceded to Pierre Etier, senr., by the Spanish government, the following documents are filed with the notice.—1st. The evidence of the grant will be found in ratification of the sale, made by Widow Etier, and her affidavit, the inventory of the estate of Pierre Etier, made by the Spanish commandant, of the German coast, where Etier resided at the time of his death—an extract of which has been given, which designates the tract now under examination, in the extract from this inventory we observe that there were three other grants in favor of his three sons, Pierre, Alphonse, and Antoine, each for ten arpents front on the Bayou Vermillion, granted to them by Estevan Miro, then Govr. of the province, and executed by Declonet, then Commandant of Attakapas, dated the 3d and 4th Dec. 1782, all of which claims have been confirmed, as will be seen by the Commissioners certificates filed with the notice and numbered B. No. 1335, B No. 1336, and B. 1337, and 1338; the two first moiteys of the same tract confirmed to Alphonse Etier. The grant to Pierre Etier, jun. cert. B 1338, states that it is bounded on one side by the claim of Pierre Etier, senr., which would make the claim now under consideration, situate between those of Antoine and Pierre Etier, junr.,—the inventory states the father's concession to have been made on the 8th October, 1782, and those of his sons on the 3d and 4th of December same year, it is therefore very plausible that the grant to P. Etier, jun. should call for the boundary line of his father's claim, which was the first grant.

2d. The sale to Macarty, the original of which was destroyed by fire, the widow Etier ratifies this sale, first in 1804, and again in 1805, and afterwards in 1831, to John B. Macarty, wherein she states positively that the tract was for 20 arpens front, by 40 in depth on each side of the Vermillion. 3d. The evidence of Pierre Etier, jr., confirming the extent of the tract. It will be seen that the inventory alludes to it as a tract of land of 20 arpens front on Bayou Vermillion. The three grants of Etier's sons, are designated as having ten arpents, without any further remark, all of which were confirmed for ten arpents on each side of the bayou, this a very corroborative circumstance of the fact that the claim sold to Macarty, was for 20 arpens front on both sides of the bayou, as it can hardly be supposed that the father, should ask for a grant of land only on one side of the bayou, and the land of his three infant children situate, above and below him adjoining and being on both sides of the bayou. The evidence of J. Hebert informs us that all the old Spanish grants on the Bayou Vermillion, called for both sides of the bayou. The honorable Paul Briant in his testimony states, that he has frequently met with instances, in which lands situated on both sides of the bayou, were described by their number of arpents front, without specifying that they had the same front on both sides. 4th. Sundry affidavits establishing cultivation of this tract. Pierre

Lepoint says that he was well acquainted with Pierre Etier the father; he recollects distinctly that about forty-five years ago Pierre Etier came to his father's house and contracted with him to build a house on said land, on the lower Vermillion, and that said land adjoined that of his children—that his father built the house. Witness says that he has been in the house and also that he knows that Etier had improvement son the land, that it was situated on Bayou Vermillion, some distance below the White's land. Witness says positively that he has seen the improvements, and that Etier died shortly after they were made. The commissioners who reported on this claim 1st May, 1815, appear to have no other evidence before them but that of the widow of the vendor, and they recommend that Congress should indulge Macarty's representatives with further time, to search for and procure other written evidence in support of this claim, that the testimony before them was not sufficiently satisfactory, and the claim was rejected, but the evidence now adduced established, 1st. The existence of the grant to Pierre Etier. 2d. The sale to Macarty. 3d. Extent of the tract, and lastly the cultivation and occupancy, first by Etier himself and afterwards by J. Bte. Macarty, this mass of evidence appears to us conclusive, the parties are of the highest respectability, and we have the fullest belief that all the signatures to the documents referred to are genuine. We are therefore of opinion that this claim, is one which ought to be confirmed, and recommend it accordingly.

The next claim to which our attention is called, is the tract of land said to have been acquired by John Bte. Macarty by purchase from Antoine Boudousquie in the year 1784, or thereabouts, and made under a deed of sale under private signature, the original of which was consumed in the great fire at New Orleans, which destroyed the house and property of Macarty in 1794, of which a very minute and circumstantial account will be found in the affidavit of Theodore Macarty, filed with the notice. This is the same which was reported on, by the Commissioners, 1st May, 1815, under the No. 100 and rejected. This tract of land, Boudousquie states in his ratification of sale to Macarty, contains 40 arpens front, by 40 in depth, on both sides of Bayou Vermillion, the ratification of this sale is made on the 6th day of , 1804, before Louis T. Caire, notary public, at New Orleans, and signed by the vendor in presence of witness, with every solemnity, the document is very circumstantial in its detail of facts. After designating the extent of the tract and the time, as near as recollected, he says that the grant was made to him by Don Bernard de Galvez, who was then governor of the province, that the sale was made under private signature, with the express condition, to pass an act of sale before a notary public, whenever Macarty requested it. "Mr. Boudousquie "declares, that he received the sum of four hundred dollars for the "land, from the hands of Macarty; that Macarty neglected to have "the sale properly executed, and that consequently he held nothing

"but the deed, under private signature, which he says he did solemnly deliver to Macarty, which document, and all Macarty's private papers, as well as his own were destroyed, in the great fire. Boudousquie likewise states, that Macarty has continued to use said land on the faith of deponents promise to give him an authentic copy or title in form, for said land, that having had the misfortune to loose the concession of said land in the great fire, it is impossible to recollect the date of the grant, or the names of those who bordered on the land, from the circumstance that the country was but thinly settled at that time, and thinks it unjust that Macarty should suffer from these circumstances, and declares under the sanction of the oath he has taken, that having been paid for the land by Macarty, he renounces forever in his own name, as well as that in the name of his heirs, all the right to said land, to the said Macarty, who is the true and lawful owner of it, and who has had possession of it for more than twenty years. It will be recollected that in the year 1788, Estevan Miro, then governor of the province, granted three tracts of land, to the sons of Pierre Etier, one of which as per commissioners certificate B No. 1388, confirmed to Pierre Etier jun., states that the tract is bounded on one side by P Etier senr. and on the other by Antoine Boudousquie, this is a very satisfactory proof of the existence of a grant of land to Boudousquie, this authentic and cotemporaneous evidence, carries much weight with it to our minds, to establish the fact of the grant to Boudousquie, it gives gives greater confidence to the ratification of the sale to Macarty, whose rights have never been disputed, feeling satisfied that had the claimants produced the original deed of sale under private signature, that the claim would have been recommended for confirmation by the board of commissioners, in 1815, and the cause of the destruction of the same and the concession upon which it was based, having been satisfactorily accounted for and the certificate of the honorable Judge Preval, certifying that all the signatures attached to the ratification of the sale, are genuine, we believe it to be a claim which in justice ought to be confirmed, and recommend it to Congress in that light. The remaining five tracts claimed by the heirs of John Bte. Macarty, and his three children, in consequence of being supported by the same evidence, will be examined collectively. The 1st is a tract situate in Prairie Sorel or "Maguire," having 84 arpens front by the same depth, on both sides of the Bayou Vermillion, granted to John Bte. Macarty. 2d. A tract of 40 arpents front by the same depth on both sides of the same bayou. 3d. A tract of the same dimensions on both sides of said bayou, granted to Edmond Macarty, and adjoining the last mentioned tract. A tract of same dimensions, on same bayou, and adjoining the last mentioned, granted to Celeste Macarty, widow of Paul Lanusse, of same dimensions, on same bayou, adjoining the last mentioned. These from last mentioned claims, adjoin the tract purchased from Boudousquie, and extend down the Bayou Vermillion, to the salt

marsh, as is represented in township map 14, south of range No. 3, east, filed with the notice.

In our examination of these claims our attention in the first place will be given to the commission issued by the board of commissioners of this office, on the 24th February, 1815, to the Honorable Moreau Lislet, City Judge of New Orleans, to take the evidence of Charles Laveau Trudeau, respecting the claims of John Bte. Macarty, this commission designates the five claims now under examination. The 1st interrogatory propounded through this "commission is as follows, "Have you any knowledge of the title papers having been obtained from the former government, for any or all of the above-mentioned tracts of land? If so, for which tracts? What was their nature? Whether requites, orders of survey or complete grants?"

Mr. Trudeau declares under oath, that he has a knowledge of a tract of land in the name of Jean Bte. Macarty, on the Vermillion, having a front of 84 arpens, with the same depth towards the sea—that he also has a knowledge of four grants made to the late J. Bte. Macarty and his three children, on both sides of the Vermillion Bayou—that they were not complete grants, but only orders or the first decree, rendered on requites or petitions by Governor Miro, as it was usually done on application for grants, that he has this knowledge because he saw the originals, which were handed to him by J. Bte. Macarty.

Now here we have a positive declaration of the fact of the existence of these grants, from the highest authority—here it becomes necessary to show, that these five claims never have before been reported on. In reference to the report of the commissioners of 1st May, 1815, they say that "In the evidence of Mr. Trudeau, it will be noticed he has declared, that he has no knowledge of the tracts of land claimed under Judice, Lesassier, Etier, and Boudousquie, which were the claims on which the commission issued to take this testimony.

The commission has been used to obtain Mr. Trudeau's testimony, in the claims of Jean Bte. Macarty for lands, said to have been ceeded to the said Macarty and his sons, which are understood to be reported under the Nos. 102, 103, and 104. With due deference to the opinion of the board of commissioners last referred to, and on a perusal of the claims last reported under the numbers above described, we cannot see any relation to them, with those now under examination. The notice of these three claims, was accompanied by a certified order of survey, dated July 5th, 1786, and calling for a place called "Point de Pin," bounded by Joseph Theny and Antoine Blanc, these three claims last mentioned have been confirmed, in conformity with the recommendation of the commissioners and located on the Nementon county of Opelousas, and are in our opinion the lands said to have been possessed by Macarty and his three children at Opelousas, and which Mr. Trudeau says, he has no knowledge—yet the commissioners seem to have regarded them as

the Attakapas claims, on the Vermillion, and the board as they say, "were of opinion that the impressions of Mr. Trudeau were erro- "neous, as it regarded the concession in favor of Macarty and his "sons, as the grants were made in 1786, three or four years subse- "quent to the time he has said that he was in Opelousas and Atta- "kapas, for the purpose of making surveys," and further the commissioners remark, that Mr. Trudeau has not said that their claims was for 40 arpens front, by 40 deep on both sides of the Vermillion River, whereas they are for 40 arpens in depth and forty front only, just half of the area he has assigned them, and the word Vermillion is no where to be found in the documents."

It is a matter of no wonder to us that the commissioners thought that the "impressions of Mr. Trudeau were erroneous," but had they referred to the commission issued, for the purpose of taking Mr. Trudeau's evidence, they would have discovered that it embraced one interrogatory directly in regard to the four tracts of land, in the name of J. B. Macarty and his three children, on both sides of the Vermillion, having one hundred and sixty arpens front, on both sides of the said bayou, which, with the 84 arpent tract granted to Jean Bte. Macarty on the same river, were the only tracts of which Mr. Trudeau had any knowledge. It will be observed that in the reports, Nos. 102, 103, and 104, that a plat of survey, by V. Pothier, giving 40 arpens in front by the depth of 40 arpens on both sides of the Bayou Vermillion, was filed with each claim; this circumstance evidently shows to us that the notice and documents, relating to the Macarty claims, had by neglect become mixed up together and reported on hastily, for all through the report No. 104, which gives a general view of the Macarty claim, there appears the greatest kind of inconsistency, under the impression with which they made these reports, they might well suppose, as they say, "that "the Macarty's have betrayed great ignorance "of the quantity of land, to which they were entitled, by claiming "double the quantity, that was granted to them." We have perused the reports of the 1st May 1815, with the greatest attention, and compared them with the testimony of Mr. Trudeau, also with the commission, issued for taking the same, and other evidence bearing on these claims, and are perfectly well satisfied that the five tracts of land now under examination, have never before been reported on except one, that of Celeste Macarty being one of the three tracts granted to the children of J. Bte. Macarty on the Vermillion bayou, this claim was reported by the regr. and recr. 30th December 1815, in the name of Paul Lanusse, husband of said Celeste Macarty, under the No. 949, in the 8th class, which composes claims unaccompanied by any documents of title or of date, anterior to the 20th December 1803, and no proof of occupancy and cultivation from the 12th of April 1814, was rejected. The existence of these five claims, are established beyond a doubt in our minds, by the evidence of Charles Laveau Trudeau. The highest

respect which was accorded to this gentleman under the Spanish government, in his important and responsible office of surveyor-general and engineer, until Louisiana was ceeded to France, and the general esteem in which he was held, for his veracity, intelligence, and worth, gives great weight to his testimony, and if the evidence of such a man, is not to be relied upon, where can we seek for truth? The testimony of Mr. Trudeau is corroborated by that of Theodore Macarty, and others given in this report, so strongly as to leave no room for doubt in regard to the existence of these grants.

Their destruction by fire is equally as clearly established by a mass of incontested evidence, but more particularly by that of Mr. Trudeau, who tells us that he held these grants in his own hands, until they were destroyed by the great fire of 1788, in which his own office was consumed, which destroyed likewise all his valuable papers,—possession, occupancy and cultivation has also been proven, and their locations designated on the township maps Nos. 13 and 14, south of the 31st degree of north latitude, and of range No. 3, east of the basis meridian, filed with the notice of these claims. In acquitting ourselves of the duty of reporting on these long neglected claims, we feel conscious of having performed the task unbiassed by interest or favor, and having given all the numerous documents connected with these claims the most minute examination, and regarding all the testimony as genuine and disinterested, and satisfied that they are such claims as the Spanish government would have perfected into complete grants, we have not the slightest conscientious scruples of the faithful discharge of our duties, in recommending them to Congress as claims which in our opinion ought to be confirmed.

Land office at Opelousas, Louisiana, February 1st, 1843.

(Signed) P. HEBRARD,
Register.

(Signed) RO. BENGRUREL,
Receiver.

Land office, Opelousas, Louisiana, February 11th, 1843. I hereby certify the foregoing to be a true copy of the original, on file in my office. In faith whereof, I have hereunto set my hand and seal of office on the day above written.

(Signed) P. HEBRARD,
Register.

Endorsement on the foregoing document (folios 18—87).

"U. S. Dist. Court. No. 135. Macarty *et al.* vs. United States.
"II. Off'd in ev'ce by plaintiffs and filed May 29, 1849.
"ROBR. M. LUSHER,
"*D'y Clerk.*"

In evidence. Vide "Abstract," folio 12 of this transcript.

III. Deposition of Paul Briant, for plaintiffs, taken May 8th, 1849.

Commission.

District Court of the United States for the Eastern District of Louisiana.

To any judge, or justice of the peace in and for the parish of St. Martin, La.

Know ye, that reposing special trust and confidence in your integrity and ability, we hereby authorize and require you, that you call and cause to come before you, Paul Briant, and him duly examine on oath, on the interrogatories hereunto annexed, touching and concerning certain matters and things in a cause now depending in the said court, wherein the heirs of J. B. Macarty are plaintiffs and the United States are defendants; and the same examinations, so taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court without delay, to be read in evidence on the trial of said cause, and send also this writ and interrogatories annexed.

Witness the honorable Theo. H. McCaleb, Judge of said Court, at New Orleans, this fourth day of May, Anno Domini, 1849, [SEAL.] and the seventy-third year of the independence of the United States of America.

(Signed) ROBR. M. LUSHER,
D'y Clerk.

Interrogatories annexed to the foregoing Commission.

HEIRS OF J. B. MACARTY vs. THE UNITED STATES. } United States District Court Eastern District of Louisiana.

Interrogatories to be propounded to Paul Briant, residing in the parish of St. Martin, on the part of the plaintiffs in the above entitled case.

1st. Did you, or did you not, make an affidavit in relation to the claim of the plaintiffs and certain facts within your knowledge in relation to the same on the 10th of October, 1831, before a justice of the peace in the parish of St. Martin? If yea, examine the affidavit made by you and contained in the bound book accompanying these interrogatories, at page 143, and say whether you recognize the same; and if yes, then state if the facts stated therein are true.

2d. Examine the papers following the said affidavit between pages 145 and 146 and the other papers alluded to in it. Say if they are papers referred to in your affidavit; and, if so, then state if the signatures are genuine, and are the signatures of individuals having the official character mentioned in the affidavit.

3d. Examine the copy made by you and certified under your official seal as parish judge, purporting to be a copy of an authorization by James Hopkins, commandant to Phippa Ducloslange as therein stated and of the declaration &c. of the widow Etier made before the said Ducloslange on the 6th May, 1805, at p. 201 of said book, and say if the same is a true copy of the original now deposited in your office as recorder of the parish of St. Martin and of record therein; and if you know the signatures, or any of them, to the original, or any of them to be genuine.

4th. Examine the copy of the depositions of J. P. Décuir and L. C. Deblanc at page 23 of the book, and say if the originals are deposited in your office; or, if they are not, then state where they are, if you know, and state if you have seen the originals, if the signatures are known to you, and if they are genuine; and state also if the copy is a true copy from the originals.

5th. Examine the certificates made by you as parish judge on the 24th of August, 1831, and found on the 223d and 226th pages of the book:—State if the facts stated in the said certificate are true.

6th. Did you or did you not know Jean Pierre Decuir, Louis C. Deblanc, Claude Frelot, Catherine Baudonin, widow Etier, Joseph Tricou, Celestin Boudousquié, Pierre Lapointe, L. Delahoussaye, Joseph Herbert, Jean Baptiste Trahan, Martin Louis Broussard, Marin Mouton, Grégoire Villejoint, François César Boutté? If you did not know all of them, state what one you knew, and if they are now living or dead.

(Signed) JANIN & TAYLOR,
Attorneys for Plaintiffs.

Cross Interrogatories.

1st. Have you any interest in the event of this suit?

2d. Are you related to the petitioners in this suit? And if so, in what degree?

3d. Do you know, or can you set forth any other matter or thing, which may be a benefit or advantage to the parties at issue in this case, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

(Signed) THOMAS J. DURANT,
Atty. U. S. for E. D. La.

Interrogatories annexed to commission issued from U. S. Dist. Court, May 4, 1849.

Attest (sd.) ROBR. M. LUSHER,
Dy. Clk.

Answers to Interrogatories.

State of Louisiana, } Justice's Court.
Parish of St. Martins. }

To all whom these presents shall see, greeting:—

Be it known that by virtue of the commission hereto annexed and issued in the suit entitled, "Heirs of J. B. Macarty vs. the United States," pending in the United States District Court for the District of Louisiana, I have caused to come before me, on this day the 8th May, 1849, Paul Briant, Esquire, Recorder of the Parish of St. Martin, to be examined on oath touching and concerning certain matters and things in the aforesaid cause.

And the said Paul Briant having first been, by me, one of the Justices of the Peace of the Parish of St. Martins, sworn on the Holy Evangelists of Almighty God, answers as follows to the six interrogatories and three cross-interrogatories to him propounded, to wit:—

To the First. I did make the affidavit, marked A to identify it with this my evidence: it was made in relation to the claim of the plaintiffs and certain facts within my knowledge in relation to the same, on the 10th of October, 1831, before Fergus Kiselier, one of the Justices of the Peace of the Parish of St. Martins. I recognize said affidavit; I have again examined it and I declare that the facts therein stated are true.

To the Second. I have examined the papers following the affidavit marked A between pages 145 and 146, and the other papers alluded to in the said affidavit, and I declare that they are the papers referred to in my affidavit. I further declare that I know the following signatures to be genuine, to wit: the signatures of "Berard," "James White," "Franco. Casa y Luengo," "F. César Boutté," "Josiah French," "Ph. Boutté," "Claude Frilot," "Louis C. De Blanc," "Olivier Deregin." I have often seen the aforesaid persons write and sign. The other signatures I believe to be genuine, because the same signatures are affixed to a large number of authentic acts deposited in the archives of the office of the Recorder of the Parish of St. Martins. I further declare that the last-named individuals, by the authentic acts spoken of have the official character mentioned in the affidavit marked A.

To the Third. I have examined with care the copy made by me, and certified under my official seal as parish judge, and which is marked B. to identify it with this my deposition: the same is a true copy of the original now deposited in my office as Recorder of the Parish of St. Martins, and of the record therein.

I know the signature affixed to the original to be genuine, as having often seen the parties thereto sign and write.

To the Fourth. The only thing I can testify to in reference to the depositions of J. B. Decuir and L. C. De Blanc is, that the signature at the foot of the same and purporting to be that of "Jacob Clements," Justice of the Peace acting in and for the Parish of St.

Martin, is genuine, and that said Clements was positively a justice of the peace as stated. The depositions of J. P. Décuir and L. C. De Blanc are marked C, to identify the same with these presents.

To the Fifth. I have carefully examined the certificates made by me as parish judge, and marked D. to identify the same with these presents, and I declare that the facts stated in said certificates are true.

To the Sixth. I knew "Jean Pierre Décuir," "Louis C. Deblanc," "Claude Frilot," "Catherine Baudouin," "Joseph Tricou," "Pierre Lapointe," "L. De Lahoussaye," "Joseph Hébert," "Jean Baptiste Trahan," "Martin Louis Broussard," "Marin Mouton," "Grégoire Villejoint," and "François César Boutté." Of the aforesaid persons, only one is living, I believe, and it is Jean Baptiste Trahan, although I cannot state positively that he is yet living.

(Signed) P. BRIANT.

Sworn to and subscribed at St. Martinsville, Par. of St. Martins, in my office, on this 8th day of May, 1849, before me,

(Signed) ALCIBIADES LEBLANC,

One of the Justices of the Peace for the Parish of St. Martins.

To the Cross Interrogatories.

Paul Briant, witness named in the foregoing affidavit, answers as follows, to wit:

To the first.—I have no interest in the event of the suit entitled "Heirs of J. B. Macarty *vs.* the United States."

To the second.—I am not related to the petitioners in the above entitled suit.

To the third.—I do not know anything which may be of benefit or advantage to the parties at issue in the cause aforesaid.

(Signed) P. BRIANT.

Sworn to and subscribed at St. Martinsville, parish of St. Martins, in my office, on the 8th day of May, 1849, before me,

(Signed) ALCIBIADES LEBLANC,

One of the Justices of the Peace of the Parish of St. Martins.

State of Louisiana, Parish of St. Martins. } Justice's Court.

I do hereby certify that the foregoing contains a true and faithful transcript of the testimony and deposition of Paul Briant, Recorder of the Parish of St. Martins; that said testimony has been taken down by me as dictated by witness between the hours of 12 o'clock M. and 4 o'clock P. M. on the 8th day of May, 1849, at my office, in the town of St. Martinsville, State of Louisiana, out of the presence of the parties' attorneys.

I do further declare and certify that the signature affixed under the foregoing affidavit and figured thus:—"P. Briant," is the genuine

signature of Paul Briant, Esquire, Recorder of the Parish of St. Martins, and that full faith ought to be given to said signature and to this instrument both in and out of court.

In faith whereof I have hereunto affixed my signature and seal of office, at St. Martinsville parish of St. Martins, State of [SEAL.] Louisiana, on the 8th of May, 1849.

(Signed) ALCIBIADES LEBLANC,
One of the Justices of the Peace of the Parish of St. Martins.

Received ten dollars by an order on Miles Taylor for amount of my costs as justice of the peace.

$10 (Signed) ALCIBIADES LEBLANC,
Justice of the Peace.

St. Martinsville, 8th May, 1849.

Endorsement on the foregoing. U. S. Dist. Court. "By consent opened and filed May 16, 1849. Robr. M. Lusher, D'y Clerk."

"Off'd in evidence by plaintiffs, May 29, 1849. Robr. M. Lusher, d'y clerk."

In Evidence. Vide Abstract, folio 12 of this transcript.

IV. Deposition of Edward Simon, for plaintiffs, taken in open court May 17, 1849.

135 { MACARTY *et al.* vs. THE UNITED STATES. } Testimony taken in open court.

Edward Simon, Esq., formerly one of the judges of the Supreme Court of the State of Louisiana, being duly sworn, deposes as follows:

On examination of the index attached to a certain record or "bound book" produced herein, he states that the following named persons, whose depositions appear therein, are all deceased, to wit: Jean Pierre Decuir (p. 23); Louis C. De Blanc (25); François Cesar Boutté (31); Philip Boutté (33); Claude Frilot (35); Pierre Etier, jr. (45); Widow Etier (47); Martin Donato (103); Joseph Andrews (105); Pierre Lapointe (125); Pelletier de la Houssaye (127); Jos. Hébert (129); Marin Mouton (135); Grégoire Villejoint (141); F. C. Boutté (175); Philip Boutté (179); Claude Frilot (183); Louis C. De Blanc. They were all very old at the time of their decease. Most of them have been dead for a long while past. Witness was personally acquainted with all of them.

Alphonse and Antoine Etier (whose names appear on pages 53–57) are also dead: they died before witness settled in Louisiana, which took place nearly thirty-two years ago.

In reply to a question propounded by the United States attorney:

Witness further states that he has no interest whatsoever in the event of this suit against the United States.

(Signed) EDWD. SIMON.
Attest: (sd.) ROBR. M. LUSHER,
Dy. Clerk of the Court.

Endorsement on the above. "U. S. Dist. Court. Off'd in ev'ce. by pl'ffs and filed May 29, 1849. Robr. M. Lusher, D'y. clerk."

In evidence. Vide "Abstract"—"2°. Nota"—folio 13 of this transcript.

V. 2°. Nota. Admission of counsel as to deposition of Theo. Macarty, on page 123 of "bound book"—i. e. folio 215 of this transcript.

N°. 135 { HEIRS OF J. B. MACARTY *et al.* vs. THE UNITED STATES. } United States District Court, East. District of Louisiana.

Theodore Macarty, a witness whose deposition was taken before Galien Prérot, judge, on the 16th of November, 1831, and was received by the Register and Receiver of the Land Office at Opelousas under authority of the Act approved February 5th, 1835, for the final adjustment of claims to land in the State of Louisiana, being very old and infirm and at this time sick in bed:

It is agreed that his said deposition shall be admitted in evidence, and have the same force and effect as if it were now made by him in presence of the court.

(Signed) THOMAS J. DURANT,
For the U. S.

(Signed) JANIN and TAYLOR,
For Plaintiffs.

Endorsement: "U. S. Dist. Court. In evidence and filed May 30, 1849.

"ROBR. M. LUSHER,
"*Dy. Clk.*"

In evidence. Vide Abstract, folio 15 of this transcript.

VI. 8°. Requête and Order of Survey, favor of Pierre Etier, 1782–3. (Record Book of Attakapas Claims, page 91.)

Copy.

A Monsieur de Miro Colonel & Gouverneur Général pour le Roi de la province de la Louisiane, &c.

Pierre Etié fils demeurant aux Attacapas a recours à vous pour vous prier qu'il vous plaise, Monsieur lui accorder dix arpens de terre de face de chaque côté de la rivière du Vermillion sur les profondeurs ordinaires, pour y former un établissement et y placer les animaux dont il jouit, la dite terre tenant d'un côté à celle d'Etié père et de l'autre à celle du Sr. Boudousquié dit Ville Franche. Le suppliant qui attend de vous cette grâce fera des vœux pour la prospérité de votre Seigneurie.

Attakapas ce 13 Octobre 1782.

Marque X du suppliant.

La terre stipulée ci-dessus est du domaine, le suppliant n'en ayant point. Attakapas 4 Nbre. 1782.

Nueva Orleans 1°. de Marzo de 1783.

El agrimensor de esta provincia Dn. Carlos Laureau Trudeau establecera el demandante sobre los dies arpanes de tierra de frente que solicita en ambas orillas del Rio Vermillion con la profundidad ord^{a}. de quarenta en el parage mencionado en el memorial de la B^{ta}. estando vacantes y no causando perjuicio a los circunvecinos cuyas diligencias estendera a continuacion formandolas con las antedichos y me las remitira para proveer al interesado del titulo en forma.

MIRO.

Land Office at Opelousas, 23d Sept. 1824.

I do hereby certify the foregoing to be a true and correct copy from the original recorded in this office in Record Book for Attakapas claims page 91. Given under my hand at my office the day and year above written.

(Signed) VALENTINE KING,
Register.

Endorsed: U. S. Dist. Court. "Off'd in ev'ce by pl'ffs and filed May 30, 1849.

"ROBR. M. LUSHER,
"*Dy. Clk.*"

In evidence. Vide Abstract, folio 16 of this transcript.

VIII. 2°. Documents marked 1, 2; 4, 5; 7, 8; and 10.

Doc. 1. Concession to J. B. Macarty, 5 July, 1786.

I, John W. Gurley, Register of the Land Office for the Eastern District of the Territory of Orleans, do by these presents certify

that upon the Records, now in my possession, of the warrants of survey, issued by the Spanish government, within the late province of Louisiana, there is one registered in the following form:

Lt. N. 2. f. 9.

"Cinco de Julio de mil Setecientos ochenta y seis.
"A Dn. Juan Bautista Macarty quarenta arpanes de tierra
"de frente, con la profundidad ordinaria de quarenta con-
"venzand desde el parage *Pointe de Pinlindando* con José
"Therry y Dn. Antonio Blanco: en Attakapas."

Given under my hand at the City of New Orleans, this 27th Decr., 1806.

(Signed) J. W. GURLEY.

Endorsement on the above Doc. 1. U. S. Dist. Court.
"Off'd in evidence by plaintiffs—objected to by defts., and filed,
"May 30, 1849.

"ROBR. M. LUSHER,
"*Dy. Clk.*"

[For map see original, page 100.]

Certificate annexed to Plat in Doc. 2.

J. V. Potier, arpenteur juré à la réquisition de Mr. J. Bte. Macarty, représenté par Mr. Louis Charles De Blanc, certifie avoir arpenté en sa faveur une portion de terre de quarante arpens de face sur quarante de profondeur située aux Oppéloussas à la terre de la tortue et vulgairement appelé la pointe aux marons, Bayou de pins, laquélle portion j'ai borné comme suit: Du point A au point B. onze arpents, pin plaqué dit celui au poin C. un arpent borne de pin ronde en pointe et dit célle en D.—vingt neuf arpens sont ho ouvran le rectangle en montan la pointe aux pins pour la face, j'ai mesuré quarante arpens au Bon Des qu'ils à l'autré Dubois, j'ai plaqué un chaîne Ronge E. dit celui à treize toises trois pieds, j'ai posé une borne de Sassafras ronde en pointe marquée F. et a quarante toises une semblable borne G. ce qui fait du point E au poin H onze arpens, et de E en I vingt neuf arpens complaitan les quarante arpens et forman entre les lettres ADIH une superficie de 1600 arpens de marqué ou plan, et par sur 80 degré ouest pour la profondeur.

Le réquérant étant satisfait nous avons terminé notre opération et lui en avons delivré une expédition conforme à l'original.

Oppeloussas le 8 May, 1805.

(Signed) J. V. POTIER,
Arpenteur juré.

Endorsed: "Off'd in ev'ce by Pl'ffs—objected to, and filed May 30, 1849.

ROBR. M. LUSHER,
Dy. Clk.

In Evidence. See Abstract, folio 16 of this transcript.

Doc. 4. Concession to Edmond Macarty, 5 July, 1786.

I, John W. Gurley, Register of the Land Office for the Eastern District of the Territory of Orleans, do by these presents certify that, upon the records, now in my possession, of the warrants of survey issued by the Spanish government within the late province of Louisiana, there is one recorded in the following terms:

L°. N°. 2 f°. 17.

"Cinco de Julio de mil Setecientos ochenta y seis. "A Dn. Edmundo Macarty quarenta arpanes con la pro- "fundidad ordinaria desde el fin de la tierra de Dn. Bar- "tholomé su hermano yendo hacia las de José Therry."

Given under my hand at the City of New Orleans, this 27th December, 1806.

(Signed) J. W. GURLEY.

Endorsement on the above Doc. 4. U. S. Dist. Court. "Off'd in evidence by Pl'ffs—objected to and filed May 30, 1849.

"ROBR. M. LUSHER,
"*Dy. Clk.*"

[For map see original, page 103.]

Certificate annexed to Plat in Doc: 5.

Moi soussigné à la réquisition de Mr. Edmund Macarty, représenté par Mr. Louis Charles Deblanc, certifie avoir arpenté en sa faveur une portion de terre de quarante arpens de face sur quarante de profondeur située aux Oppéloussas à la terre de la tortue et vulgairement appelée La Pointe aux marons, ou Bayou des Pins.

Laquélle terre j'ai bornée comme suit: Du point A. au point B. chaîne plaqué onze arpens dit celui à un arpent une borne de chaîne ronde au point C. dit celle, au point D. 29 arpens, forman les quarante de profondeur, ouvran le rectangle en montan du côte de la point aux pins; j'ai mésuré quarante arpens pour la face, au bon desquéls j'ai posé une borne de pin ronde en pointe E. dy célle à un arpent j'ai plaqué un pin F. à l'autre Dubois dirigée par sur quatre vingt degrés Ouest sans avoir égar à la variation de huipt degrés trente minutes N. E. Du poin F. au poin C. onze arpens et de F. en H. vingt neuf arpens, ce qui fait quarante pour la profondeur, et forme entre les lettres A.D.G.H. une superficie de 1600 arpens comme il est démarqué au plan cy-contre.

L'acquérant etant satisfait nous avons terminé notre opération et lui en avons delivré une copie conforme à l'original.

(Signed) J. V. POTIER,
Arpenteur juré.

Oppéloussas, le 5 May, 1805.

Endorsement on Doc. 5. "U. S. Dist. Court. Off'd in evidence pl'ffs—objected to and filed May 30, 1849.

"ROBR. M. LUSHER,
"*Dy. Clk.*"

In evidence. See Abstract, folio 16 of this transcript.

Doc. 7. Concession to Barthélemy Macarty, 5th July, 1786.

I, John W. Gurley, Register of the Land Office for the Eastern District of the Territory of Orleans, do by these presents certify that upon the records, now in my possession, of the warrants of survey issued by the Spanish government, within the late province of Louisiana, there is one recorded in the following name:

T. 9 N. R. 4 E.

"Cinco de Julio de mil Setecientos ochenta y seis.
"A Dn. Bartholomé Macarty quarenta arpanes, con la
"profundidad ordinaria, lindando con José Pinte de Pin y
"Josef Therry en Attakapas."

Given under my hand at the City of New Orleans, this 27th day of December, 1806.

(Signed) J. W. GURLEY.

Endorsement on the above Doc. 7. U. S. Dist. Court. "Off'd in evidence by plaintiffs—objected to—and filed, May 30, 1849.

"ROBR. M. LUSHER,
"*Dy. Clk.*"

[For map see original, page 106.]

Certificate annexed to Plat in Doc. 8.

Moi soussigné à la réquisition, de Mr. Barthelemis Macarty, représenté par Mr. L. Charles De Blanc, je certifie avoir arpenté en sa faveur une portion de terre de quarante arpens de face sur quarante de profondeur, située aux Oppéloussas, à la terre de la tortue et vulgairement appelé la pointe aux marons, Bayou des Pins; laquélle est bornée comme suit: du point A. j'ai reconnu les pins et les châines plaquées B. C. D. entre le régnérant et Mr. Thierry, servant de borne dirigé pour la profondeur sur quatre vingt dégré ouest. De A en D. onze arpens, de D. en F. vingt neuf arpens sont ho. Du point E ouvran le rectangle pour la face en montan du côté de la pointe aux pins, j'ai mesuré quarante arpens, au bon des qu'els j'ai posé une borne de châine ronde en pointe G. et à un arpent d'y celle au bord Dubois j'ai plaqué un châine H servant de borne et dirigé en profondeur par sur quatre vingt degrés ouest et continuan nos mesures, nous aurions complaité le titre du régnérant, tel qu'il

se trouve porté au plan contenan une superficie entre les lettres A FIJ. de 1600 arpens porté à soutitre.

Le régnerant etant satisfait nous avons terminé notre opération et lui en avons délivié une copie conforme à l'original.

(Signed) J. V. POTIER,
Oppéloussas le 2 May, 1805. *Arpenteur juré.*

Endorsement on Doc. 8. "U. S. Dist. Court. "Off'd in ev'ce by pl'ffs. Objected to and filed May 30, 1849.

ROBR. M. LUSHER,
"*D'y Clk.*"

[For map see original, page 108.]

Certificate annexed to Plat in Doc. 10.

Moi soussigné arpenteur particulier du District des Oppéloussas sous la direction et approbation de Monsieur Don Carlos Trudeau, Lietenant gradué des armées du Roy et Arpenteur General de L. Louisianie——— certifie d'avoir arpenter pour Monsieure Joseph Thiery une portionne de terre contenante Douze arpens de face sur la profondeur ordinair de quarante arpens situé au grand prairie dans la quartierre de Plaisance bornant au Nord-Oest sur la terre de Monsr. Ridau, au Nd-est partie sur la terre de Monsr. françois Pitre et partie sur la terre du Sr. Pierre Jobert, toute ailleurs par le domaine du roy en conformite d'une decreet du gouvernement général faite en faveur du Susdite Joseph Thiery en datte du quatre Juilliet de l'an Mil-Sept-Cens-quatre-vingt-Six, et conformément au plan de l'opperation ici joint. Enfoi de quoi j'ai signé le presant aux Oppeloussas, ce 15iem d'Octobre, 1793.

(Signé) LUKE COLLINS, Jun'r.

I certify the foregoing plat of survey and process-verbal to be a true and exact copy of an original document filed in bundle K. No. 26 amongst the records of the Surveyor Genls. under my charge. In testimony whereof I have hereunto set my hand and [SEAL] the seal of my office in the city of New Orleans this 7th day of July 1831th year of our Lord and the fifty-sixth of the independence of the U. S. of America.

(Signed) L. BRINGIER,
Surv. Genl.

Endorsement on Doc. 10.—"U. S. Dist. Court. "Off'd in ev'ce by pl'ffs. Objected to, and filed May 30, 1849.

ROBR. M. LUSHER,
"*D'y Clk.*"

MACARTY *et al.*
vs.
THE UNITED STATES.

IN EVIDENCE.

Copy of

"*Bound Book of manuscript documentary evidence.*"

Alluded to in Statement or Abstract of Evidence, folios 12–17. Vide Nota at bottom of page 17.

Nota Bene.—The pages of the original "book" copied herein are, in this transcript, indicated in red ink, as will be seen; such paging being retained, owing to the frequent reference made to the same in various other documents offered in evidence.

[P. 66 of R.] To the Register and Receiver of the Land Office of the South Western District of Louisiana, acting as a Board of Commissioners under the Act of Congress of February 6th 1835.

The memorial of the heirs of Jean Baptiste Macarty, Edmond Macarty, *Edmond Macarty* and Barthelemy Macarty, and of Céleste Macarty, the widow of the late Paul Lanusse, respectfully shows:

That Jean Baptiste Macarty, who died in the city of New Orleans in 1808, obtained from the Spanish government extensive concessions of land and besides purchased several tracts of land, in Attakapas.

Other concessions were granted to J. B. Macarty's three children, viz: Edmond Macarty, who died at New Orleans in 1816, Barthelemy Macarty, who died at New Orleans in 1832, and Céleste Macarty the widow of Paul Lanusse who is still surviving and resides in the city of New Orleans.

These lands are now owned by the numerous legal heirs of Jean Baptiste, Edmond and Barthelemy Macarty and by Mrs. Lanusse.

The titles to all these lands were under the Spanish government partly in the possession of Charles Laveau Trudeau, the surveyor general of the province of Louisiana, and partly in that of J. B. Macarty, and were all destroyed in the extensive fires, which in the years 1788 and 1794 laid the greater part of New Orleans in ashes.

Already in 1806, J. B. Macarty filed a claim for the confirmation of these lands in this office; this claim was in some instances twice repeated. But the commissioners who formed the report to Congress, dated 1st of May 1815, the only report, in which the claims of the Macarty's were mentioned, entirely overlooked no less than 5 of the claims submitted to them, applied the evidence offered in

support of some of them, to others, to which they had no reference, and of course found them to disagree, and produced a report, which only proved that they never had taken the trouble to examine these claims even with an ordinary degree of attention. It must however be acknowledged, that the evidence laid before them was far from being classed with the desirable degree of order and method, or as complete as that which is now offered.

Before the memorialists enter upon the separate examination of the claims, some preliminary observations will be necessary.

The claims of the Macarty family have been comprised in one memorial, not only because most of the claims are owned by all the memorialists jointly, as heirs of J. B. Macarty, but also, because many of them are supported by the same or at least by very similar evidence.

[P. 67.] For this reason the documents forming the evidence, have been bound, paged and annexed to the memorial, which is also paged, and whenever the evidence offered applies to more than one of the claims, it will be found detailed at some length only in the discussion of one of the claims and merely referred to under a subsequent claim. On this account also, several of the claims will be examined together.

The evidence now laid before the board, was originally prepared for Congress and accompanied by a memorial embracing matters not within the scope of the powers of this board. Congress however did not act on these claims. Such documents as referred to matters, not immediately connected with the object of the present application, have been withdrawn and this explains, why the paging of the documents is not continuous, a number of pages being here and there wanting.

All the French and Spanish documents have been translated by Ls. Janin, whose affidavit, attesting the fidelity of the translations, will be found on p. 235.

All the signatures of the documents are proved by the competent officers or by the depositions of witnesses.

The references in the memorial always apply to the translations, and the translations refer to the pages, on which the originals are to be found.

An index has been added, to facilitate the examination of the evidence.

The claims, the confirmation of which is now prayed for are:

1°. The claim for a tract having 80 arpents front on both sides of Bayou Têche, known as the Chicot Noir tract, and purchased by J. B. Macarty of Vincent Lesassier in 1780 or 1781.

2°. The claim for a tract purchased shortly after 1784 by J. B. Macarty of the widow Etier, having 20 arpents front on both sides of Bayou Vermillion by the depth of 40 arpents.

3°. The claim for a tract purchased of Antoine Boudousquié in

1784, having 40 arpents front on both sides of Bayou Vermillion by 40 arpents in depth.

4°. The claim for a tract in the Prairie Sorel (near the lower part of Bayou Vermillion) having 84 arpents front by the same depth, (a league square) granted to J. B. Macarty.

5°. A tract of forty arpents front on each side of Bayou Vermillion with the usual depth of 40 arpents granted to J. B. Macarty, and adjoining the concession of the Etiers.

6. A tract of the same dimensions as the former and adjoining it granted to Edmond Macarty.

7. A tract also of the same dimensions, and adjoining No. 6, granted to Barthelemy Macarty.

8. A tract, also of the same dimensions and adjoining No. 7, granted to Celeste Macarty.

These 8 claims will now be examined in the preceding order.

1. Tract having 80 arpents front on both sides of Bayou Têche, by 40 arpents in depth on each side, purchased in 1780 by Jean Baptiste Macarty of Vincent Lesassier.

1. Tract on Bayou Têche, bought of V. Lesassier.

This tract was sold, it is believed, by J. B. Macarty himself, a short time before his death to Nicholas Prévost, whose heirs are now in possession of it.

The heirs of J. B. Macarty, with the consent and at the desire of Prévost's heirs, claim its confirmation, because as warrantors, it is their interest to make the title good. The confirmation will of course enure to the benefit of the purchaser.

A portion of this tract was bought some 4 or 5 years ago by Barthelemy Macarty, in consequence of which *his* heirs have still more direct interest in the confirmation of this claim.

The evidence in support of this claim is most full and satisfactory, and will be found principally from page 23 to page 41.

It seems that this tract was in part granted to Vincent Lesassier about 1775 and in part obtained by him in exchange for other lands which he had near the Vermillion, at the Grosse île.

He settled himself on the land in 1775, built a house and negro cabins on it and raised indigo and corn. About 1780 he sold it to J. B. Macarty and remained on it, until Macarty took possession, by sending there a white man and 4 or 5 negroes.

Lesassier gave Macarty a sale under private signature, which has been seen and examined by the late Louis C. De Blanc, the former commandant of the post of Attakapas. (See his deposition on page 26.) This sale, the concession and other papers relating to this tract were handed to Macarty and were destroyed with all his other papers of whatever description in the great fire of 1794 at New Orleans see the very circumstantial evidence of Theodore Macarty an eye-witness, who then resided in the same house with J. B. Macarty his brother p. 128. [P. 68 of Record.]

Nothing was more common before the change of government than sales of unmoveable property under private signature (see Judge Briant's p. 143 s.s. Louis Charles Deblanc's p. 26 and many other depositions), nay, often lands and slaves were conveyed without any deed (Claude Frilot p. 35 Philippe Bouté's p. 33 and other depositions). It is the established jurisprudence of the Supreme Court of Louisiana, that even verbal sales of immoveable property even valid under the Spanish law, not only between the parties but also against third persons when accompanied by possession (L. Janin's dep! p. 235) Lesassier stated to all his neighbours and it was a matter of public notoriety, that he had sold his land to J. B. Macarty, and after Lesassier's death, when the sale was consumed by fire, Lesassier's widow made on the 12th of May 1804 a notarial declaration (p. 37) setting out the preceding facts, and ratifying the sale.

It was a man by the name of Dunman that kept Macarty's stock farm at the Chicot Noir, shortly after his purchase Macarty had small wharfs (parures) made on both sides of the bayou, to facilitate the crossing of his cattle and horses. About the same time Macarty's negroes made clearings on both sides of the bayou and raised corn. Macarty also built a bridge over a small bayou which run through this tract on the right or west side of Bayou Têche. When most of the testimony in relation to this tract was taken—in 1824—that bridge was still in existence and known under the name of Macarty's bridge.

About 1780 or 1781 François César Boutté one of the witnesses, whose testimony was taken in 1824 and is now offered, intended to cut cypress trees on the east or left side of this tract and was prevented from it by St. Marc Darby, Macarty's agent who would not consent to it without Macarty's permission.

Jean Pierre Decuir (see his deposition, p. 23) and Duforest, wishing to obtain a concession of the vacant land, which might have remained adjoining Macarty's tract, and believing that the latter occupied more than the 80 arpents to which he was entitled, measured his land and found exactly this quantity.

Numerous witnesses declared that Macarty had a stockfarm on this tract. The mark of his cattle was J.M.I. (see Décuir's depos: p. 23). Of this fact even written testimony is extant. The inhabitants of Attacapas having decided in 1781 to repair their church, taxed themselves, and to assess their respective contributions, a general list of the property of the post was prepared, which is still preserved in the office of the parish judge of the parish of St. Martin, and a copy of which will be found on page 153, see in connection with this Jean Pierre Decuire's p. 23, and Judge Briant's test: p. 143 s.s.

According to this list Macarty was taxed for 9 "individuals," meaning probably both the white persons in his employ and his slaves, and for 416 heads of animals. From this list it also appears that Macarty was at that time the largest land holder in Attakapas.

He was then in 1781—acknowledged to be the owner of 216 arpents, and it will hereafter, in speaking of Macarty's Vermillion claims be proved and indeed, the inspection of the "general list" will convince any person acquainted with Spanish land-titles in Attacapas, that this must be understood to mean 216 arpents front on both sides of different water-courses by the depth of 40 arpents, or 17.280 superficial arpents. When it is observed that as yet, after an interval of 55 years, the title to *none* of these lands is confirmed, it will be admitted that few families have suffered more extensively from the fires which twice nearly destroyed New Orleans and that it is high time that justice should be rendered to the Macarty's.

About 1784 or 85 Macarty removed his vacherie to the Vermillion, leaving the fences and buildings standing on the Chicot Noir tract. They were still in existence though in a delapidated state, when in 1796 Louis Charles De Blanc arrived in Attakapas as commandant.

On all occasion subsequent to 1781, when the inhabitants of Attacapas were taxed for the construction of roads, canals and similar works of public utility, the only taxes levied under the Spanish government, Macarty bore his share, see Judge Briant's test'y p. 144 s.s. and the annexed receipts. After 1796 it was Louis C. Deblanc the commandant who acted as Macarty's agent, and paid [P. 69] the taxes. He and other witnesses specify the Chicot Noir tract as one of those for which taxes were always paid. The payment of taxes was continued under the American government (see p.p. 143–147 to 151.)

The foregoing is a consise abstract of the testimony of numerous and highly respectable witnesses. Most of the facts stated are declared by 4 or 5 witnesses. There is not probably a tract in Attakapas the ownership and possession of which in those early times is better known. It will be observed that Lesassier's and Macarty's uninterrupted actual possession continued during about 10 years.

The depositions offered in support of this claim are those of Jean Pierre Décuire p. 23 Louis Charles De Blanc, p. 25 & 39, Philippe Boutté p. 33 François Cesar Boutté p. 31 Claude Trilot p. 35 & the ratification by Lesassier's widow p. 37.—Parts of Joseph Andre's p 105, Louis Moreau Lislet's p 149 & Judge Briant's p 148, testimony also have a bearing upon this claim, more especially the latter's declarations in relation to taxes and the receipts annexed to his affidavit.

It will be proper to remark here that the 80 arpents front on the east or left side of Bayou Têche have been lost in suits brought against Macarty's vendors by the heirs of Johnson & the heirs of Davis. It is therefore only the confirmation of the remaining half or of the 80 arpents front on the west or right side of Bayou Teche by 40 arpents in depth which is sought. The houses, cabins, fences

&c erected by Lesassier and Macarty were on this side of the bayou.

2. Tract on Bayou Vermillion, claimed under Pre. Etier, Sr.

II. The tract purchased of Catherine Baudouin widow of Pierre Etier, some time after 1784, having 20 arpents front on both sides of Bayou Vermillion—claimed in the notice of 1806.

This tract was sold to Macarty by an act under private signature, a very customary mode of selling lands under the Spanish government (Judge Briant's deposition p. 143). No record of the sale, therefore, is now to be found and the original was destroyed in the fire of 1794, (p. 123,) that the sale was afterwards ratified by the vendor. The claimants will show.

a. The existence of the grant to Pierre Etier Sr.

b. The sale to Macarty.

c. The extent of the tract.

d. The improvements on it.

a. The widow of Pierre Etier, in her different ratifications of the sale and depositions relating to it, (pp. 43, 45, 47, 49,) states that the tract was granted to her husband, who died in 1784. The Spanish commandant of the German coast, where Etier resided at the time of his death made the inventory of his estate on June 1st 1784 (p. 59). According to the declarations contained in the inventory, several concessions were found among the papers of the deceased, among which there were 4 on Bayou Vermillion, one in favor of the deceased and one in favor of each of his 3 sons Pierre, Antoine and Alphonse. The concession of the latter 3, having remained in the family, have since been confirmed, and the certificates of confirmation will be found on pp. 51, 53, 55 and 57. The concession of Pierre Etier Jr. (p. 51) recites that of Pierre Etier Sr. as one of its boundaries Antoine Etier's concession also gives that of Pierre Etier Sr. as one of its boundaries consequently the concession in question was situated between those of Antoine Etier and Pierre Etier Jr. The inventory states the father's concession to have been dated Oct. 8, 1782 and those of the sons Doc. 3 and 4 of the same year. These are no doubt the dates of the petitions the confirmations recite the dates of the governor's orders some months later.

b. The original sale having been destroyed, the widow of Pierre Etier repeatedly ratified it in 1804, 1805 and 1831, see pp. 43, 45, 47 and 49.

c. Pierre Etier Jr. declares that the concession had 20 arpents front on both sides of the bayou p. 45—so does the widow of Pierre Etier Sr. pp. 48 and 50. In the inventory p. 59, it is described as a concession of 20 arpents of land on Bayou Vermillion, dated Oct. 2 1782. It is certain that this meant 20 arpents front on both sides. For the inventory contains immediately afterwards the description of the concessions of Pierre Etier's sons, and each of them is designated as is a concession of 10 [P. 70] arpents and without further explanation. By a reference to the certificates of confirmation,

pp. 51, 53, 55 and 57, in which the words of the Spanish grant are closely followed, it appears that each of these concessions was for 10 arpents front on *both* sides of Bayou Vermillion with the usual depth of 40 arpents. Having obtained concessions for his sons, who then were small children (p. 49), on both sides of the Bayou Vermillion, immediately above and below his own, it cannot be supposed that Pierre Etier Jr. would have demanded for himself a concession on *one* side of the bayou only. All the old concessions on Bayou Vermillion were on both sides of the bayou (J. Hebert p. 129). The language of the inventory is the common loose language of many old documents, Judge Briant states (p. 143) that he has frequently met with instances in which lands situated on both sides of a watercourse were described by their number of arpents front without specifying that they had the same front on both sides.

d. There were improvements on the land. The widow Etier declares, that she sold the land with all the improvements on it, and add that Macarty made use of the land after his purchase. Pierre Lapointe (p. 125) who has been living more than 50 years on the lower Vermillion, recollects distinctly that about 49 years ago Pierre Etier Sr. contracted with his (Lapointe's) father for the building of a house on the land in question. The house was built and P. Lapointe has been in it. Joseph Hebert has also known Pierre Etier about 53 years ago—he has been on the land and seen the improvement on it, p. 129.

III. A tract purchased about 1784 of Antoine Boudousquié, claimed in the notice of 1806.

3. Tract on Bayou Vermillion, claimed under A. Boudousquié.

The deed of sale of this tract having been destroyed by fire, Macarty obtained from the sellee a ratification of it by public act dated June 6, 1804 (p. 61), at a time when it was unknown, what measures Congress would adopt concerning lands in Louisiana. In the ratification of his sale Boudousquié declares, that about 1784, he sold to Macarty by act under private signature a tract of land having 40 arpents front on both sides of Bayou Vermillion, with the improvements on it, granted to him by Governor Galvez. The grant itself was no doubt handed to Macarty and shared the fate of all his papers. The only but satisfactory proof of its existence still extant, is the mention made of it as boundary in Pierre Etier's confirmed claim (p. 51) which was granted in 1782. It is not necessary to insist upon the weight which has always been attributed to such authentic and contemporaneous evidence.

The person applying for a grant, was deeply interested in ascertaining the rights and limits of his future neighbors—the petition was first laid before the commandant, who had to certify whether the land claimed was vacant or not, and he could identify the tract only by the boundaries given to it in the petition and by certifying it vacant, he impliedly acknowledged his acquaintance with the grants which were indicated as its boundaries.

IV. Five tracts on or near Bayou Vermillion, granted to J. B. Macarty and his 3 children, viz:

4. Five tracts on or near Bayou Vermillion granted to the Macarty's.

a. One of 84 arpents in front by 84 arpents in depth granted to J. Bte. Macarty in Prairie Sorel or Meguine.

b. One of 40 arpents front by 40 arpents in depth on both sides of Bayou Vermillion, also granted to J. Bte. Macarty.

c. d. e. Three tracts each of the same dimensions as the preceding one, and on both sides of Bayou Vermillion, granted to Macarty's three children, Barthelemy, Edmond and Celeste Macarty, since the widow of Paul Lanusse. The last-mentioned four tracts adjoin that bought from Antoine Boudousquié and extend down Bayou Vermillion to the salt marsh. The original concessions were destroyed by the [71] great fire of 1788 in the office of Charles Laveau Trudeau the Surveyor General of the Province, (see his testimony p. 65 s.s.) Notwithstanding this circumstance, the memorialists are still enabled to offer very satisfactory testimony in support of these claims. The confirmation of these tracts was first claimed in 1806 (p. 63), and some time afterwards in a much more specified manner p.p. 101, 71 and 76, nevertheless in the report of the commissioners dated the 1st of May 1815 (p. 65 s.s.) these claims were not noticed. It will be seen from the commission, which the commissioners sent on the 24th of February 1813 to the Judge of the City Court of New Orleans, to examine witnesses in relation to the Macarty claims (p. 101), that the 5 tracts on and near the Vermillion, now under discussion, were described in the commission, precisely as they are described in this memorial and that consequently their confirmation had been claimed. The tracts mentioned in the commission are together 12 in number, but in the just mentioned report seven claims only are spoken of, those numbered from 98 to 104 inclusive (p. 67.) Upon examination it will be found that these 5 claims were entirely forgotten. This circumstance was entirely owing to the carelessness of the commissioners and has introduced the greatest confusion into their report. The present commissioners will convince themselves of the truth of this assertion by reading with some attention the commission (p. 101), the interrogatories following it and Mr. King's certificate (p. 102), Laveau Trudeau's answer to the interrogatories p. 65, and the report on p. 67, Laveau Trudeau disclaims all acknowledge of any of the claims except the 5 now under examination, and as to these, his testimony is full and explicit. The commissioners, on the other hand had entirely forgotten these claims; they recollected only the others, particularly 3 claims in Opelousas, (which have since been confirmed) and applying Trudeau's testimony to them they found it of course full of inconsistencies. Had the commissioners only taken the trouble to read their own commission (p. 101) they would have discovered that Trudeau was also interrogated on these 5—Vermil-

These claims were entirely overlooked by the commissioners of 1815.

lion claims—had they read his deposition with any attention, they would have perceived, that he positively stated that he knew nothing of the Opelousas claims, of which they imagined him speaking, when he was relating the destruction of the concessions of the Vermillion tracts. The commissioners had probably lost or mislaid the notice in which these tracts were claimed; it is not to be found in the land office, though that such a notice must have been filed is evident from the terms of the commission (p. 101.)

To this oversight of the commissioners, to their report, must be mainly attributed the delays and difficulties the claimants have until now experienced in the settlement of their rights. The memorialist will now proceed to sum up the evidence in support of those 5 claims. The plats of townships in which these claims are situated have been annexed (pp. 111, 113, 115,) and will facilitate the intelligence of the following remarks.

The original concessions were destroyed by fire, while in the possession of the Surveyor General.

The evidence of Charles Laveau Trudeau applies to these 5 claims and is of the highest importance, (p. 65). He held under the Spanish government during many years and until Louisiana was ceded to France, the responsible office of Surveyor General and is still well recollected as a man of great worth, integrity and intelligence. He briefly states, that he has no knowledge of the lands claimed under Lesassier, Etier & Boudousquié, or those situated in Opelousas. But in relation to the 5 Vermillion claims he declares that he has seen and examined Governor Miro's decrees of concession, which were put into his hands for the purpose of surveying the land, when he went in 1782 or 1783 to Opelousas, in order to survey various concessions that had been made to different individuals. From Opelousas, where he executed many surveys (pp. 85, 105, 231), he intended to go Attacapas for the same object, but was prevented by being ordered to superintend the fortifications then erecting at the newly acquired port of Natchez. He adds that, having fallen sick at Natchez, he was compelled to return to New Orleans to obtain medical aid, that the above mentioned title papers [72] (probably under the expectation that he would find an opportunity to return to Attacapas and execute the contemplated surveys) remained in his office, and that they were consumed with all the other papers of his office, in the great fire of 1788, of which, according to several witnesses (pp. 107, 109) he was one of the first victims. The grants made to the Macartys are described by him exactly as they are now claimed. Théodore Macarty who also has seen these concessions agrees entirely with Laveau Trudeau (p. 128.)

a. Claim for a league square in Prairie Sorel or *Meguine.*

a. The first of these claims in the order which they are enumerated above is that of Jean Baptiste Macarty for 84 arpents front by 84 arpents depth, or a league square, in Prairie Sorel, near the lower Vermillion, (p. 71 & 101 and Trudeau's testimony p. 66, which gives it the same dimen-

sions). *That* Prairie Sorel for there are several prairies of that name in Attacapas, is now better known under the name of Prairie Meguine.

The existence of this grant is put beyond doubt by its mention in two Spanish concessions since confirmed. One of them is that of Louis Desmarest, confirmed to the subsequent proprietor George Burrel or more properly Borel (see Desmarest's petition p. 117 and the confirmation to Borel p. 119).

In the petition the land is stated to be opposite to that of Macarty, which the commissioners have erroneously translated "the land claimed by Macarty" while the sense of the original is "the land owned by Macarty." The date of this concession is the 22 Sept. 1786. The other concession is that of William White, dated April 24, 1794, confirmed Aug. 2, 1811 (p. 121). The land claimed is also stated to be opposite to that of Macarty, (see the position of these two concessions on the plats of survey p. 111 & 113.)

Many witnesses prove the occupation of this tract by Macarty, the improvements he made on it, and that he kept a stockfarm on it. Joseph Andrus (p. 105,) saw some time after 1781, Macarty's stockfarm at the Chicot Noir, that is the land purchased by Macarty from Lesassier (p. 53.) The general list of the property of the inhabitants of Attakapas made in 1781 (p. 153), gives Macarty's stock farm as then composed of 410 heads of cattle. About 1784, Andrus, who then lived at the Parc Perdu, about two leagues north east of Prairie Sorel, saw Dunman, Macarty's stock-gatherer, driving Macarty's cattle to Prairie Sorel, (the tract in question) where the stock-farm was afterwards kept. La Houssaye (p. 127) Marin Mouton (p. 135) Pierre Lapointe (p. 125), Joseph Hebert (p. 129), Martin Broussard (p. 133) and J. B. Frahan (p. 131) depose that Macarty had a stock farm on Bayou Vermillion, Broussard and Frahan have themselves been at that time in Prairie Sorel and have seen the stock-farm, which, according to Andrus, was very large. Broussard and Frahan also state that there was a house and a pen in Prairie Sorel, belonging to Macarty's stock-farm, and the latter has himself made use of the pen. Lapointe (p. 125 who with his father, kept the stockfarm of Charles Dugat at the Grosse Ile, just above Prairie Sorel, went almost every Sunday to see the Dunmans, who also then kept Macarty's stockfarm in Prairie Sorel. The Dunmans have been dead many years. Macarty had several negroes on the stockfarm (p. 133.) He lived in New Orleans but came frequently to the Vermillion (p.p. 129, 133) to see his stock and generally staid from 2 to 4 weeks. All the above named witnesses concur in stating that the land on which Macarty kept his stockfarm, was his property.

Andrus believes that after Duman, Drake, Delahoussaye's stock gatherer, took charge of Macarty's stockfarm, or that he had at least something to do with it, and Pelletier de la Houssaye says that Drake assisted in gathering and branding Macarty's calves for which purpose his de la Houssaye's) father lent horses (p. 127.)

b. c. d & e. The remaining 4 claims on Bayou Vermillion, have each 40 arpents front on both sides of the bayou by 40 arpents in depth, and were granted to Jean Baptiste, Edmond, Barthelemy and Celeste Macarty.

4 tracts, fronting on Bayou Vermillion, granted to J. B. Macarty & his 3 children.

These lands are situated on the lower Vermillion in township 14 south range 8 east, [78] and it is requested that the annexed plat of this township (p. 115) may be consulted during the progress of these remarks. It will be remembered that the tracts claimed under Etier and Boudousquié, will, when confirmed have to be located so as to adjoin the tracts confirmed to Pierre Etier's sons, (see the plat on p. 113), as they are called for as boundaries in the Etier concessions. Below the concessions of Boudousquié and of the 4 Etiers commence the 4 grants now under investigation. It will be recollected that the destruction of the decrees of concession and the extent of the lands granted are proved by Lareau Trudeau (p. 66,) and by Theodore Macarty p. 128.) These grants were well known to the old inhabitants of Attacapas. Pierre Lapointe (p. 125), who has been living for nearly 50 years on the lower Vermillion states that already many years ago these claims were well known in the country Pelletier de la Houssaye deposes (p. 127) that below his father's land on both sides of Bayou Vermillion (see the plat on p 113 and the confirmation on p. 183.) There were no other concessions but those of the Etier's and those now claimed by the Macarty's. The latter extended to the salt marsh and the *and the* rights of the Macarty's to them were a matter of public notoriety. De la Houssaye (p. 127) was present when these lands were surveyed by V. Pottier. Notice was given to the neighbouring planters and 5 or 6 appeared of whom the deponent recollects Benjamin Broussard and Jean Langlinais both deceased. No opposition was made by these persons to Macarty's claims and de la Houssaye has never heard of any objection to them. The deponent's father, who already in 1777 or 1778 had bought the tract above the Etiers (p. 113) and was therefore one of the earliest land-owners on the lower Vermillion, had a perfect knowledge and always expressed a decided opinion concerning their justice. Judge Briant (p. 146) recollects distinctly, that the late Louis De Blanc the former Spanish commandant of Attakapas declared frequently to him and to others that the Macarty's were the true owners of the lands claimed by them mentioning particularly the lands on the lower Vermillion Deblanc's opinion is the more important, as he must have had an official knowledge of this fact. As commandant he had to sign the receipts for taxes (an instance of this will be found on p. 146) and to certify on requêtes or petitions for land, that the land claimed was vacant (an instance of this on p. 117) An intimate knowledge of the lands owned in his post, was therefore a part of his duty.

Judge Briant, who in 1814 was one of the assessors of the parish of St. Martin (p. 143 went in that capacity to the lower Vermillion, to inspect and assess the lands in that section of country, which then

belonged to the parish of St. Martin, but since 1823 form part of the parish of Lafayette, (pp. 131, 141, 147). He was then informed by old residents that the Macartys owned on the lower Vermillion extensive lands, which he described in his report p. 147), and his description differs only by 20 arpents from those of Laveau Trudeau and Theodore Macarty, (pp. 66, 123).

G. Villejoint, who in 1820, 21 & 22 was one of the assessors, having made similar enquiries arrived exactly at the same result, (p 141). This deponent has long been sheriff of the parish of Lafayette, and had therefore, like Judge Briant, who before he was appointed judge, was sheriff of the parish of St. Martin, the best opportunities to ascertain to whom these lands belonged and what the general opinion of the inhabitants of that section of country was.

General observations on these 5 Vermillion claims.

It is a circumstance worthy of notice strongly corroborating the preceding testimony that the lands claimed under the 5 above mentioned grants, were never conceded by the Spanish government to any other person. This would not have been the case, if those grants had not been known and the lands [74] acknowledged to be the property of the Macarty's. On examining the plat p. 111, within the boundaries of which the claim (*a*) in J. B. Macarty's name for a league square is situated, it will be found, that if a line of 84 arpents is drawn from north to south, beginning at the north-east corner of George Burrel's concession, and following the back line of the concessions on the bayou, a tolerably perfect square can be constructed on this line, without embracing the claims of any other persons. In relation to claims *b. c. d.* & *e.* below the Etier's, Valentine King the register of the land-office certifies (p. 231) and Pierre Lapointe (p. 125) and de la Houssaye (p. 127) depose, that no concessions have been granted by the government below those of the Etier's, except those of the Macarty's. This also appears from the plats of the townships on pp. 113 & 115. This part of the Vermillion was then considered as peculiarly and exclusively fit for stock-farms (certificate of the commandant Declouet p. 117) and Macarty's tracts were particularly well adapted to this purpose on account of their situation, (p. 123)—they are preceded by a continuous string of concessions higher up on the bayou and would not have remained unnoticed and unclaimed, if they had been believed to be still vacant. It is more than probable that Macarty's stockfarm extended to his lands on the bayou, though its central point was in Prairie Sorel, (pp. 125. 127. 129. 133, 135.) The constant payment of taxes by the Macarty's on their lands on the Vermillion, both under the Spanish and American government forms a very important feature in the history of these claims, and is a conclusive proof of their notoriety. See the extract from the tax-lists of the parishes of St.

These lands were never granted to any other person.

The Macarty's paid taxes on these lands ever since 1781

Martin and Lafayette (p. 147) from 1812 to 1830. The treasurer of the state certifies (p. 148) that the tax-lists anterior to 1812 have not been preserved in his, or as far as he knows, in any other office. Receipts for some of the taxes paid in 1807 and 1808 will however be found on pp. 149 & 150. It will be observed that the extract on pp. 147 & 148 only recites the taxes paid on the Vermillion tracts —it has been held necessary to show what taxes were paid on the other lands.

Taxes paid before the change of government.

But it is of infinitely greater importance to show what taxes were assessed on these lands under the Spanish government, and the memorialists are fortunately still accabled to prove that J. B. Macarty paid taxes for the lands now claimed in Attakapas as far back as 1781 and subsequently in the years 1788, 1794, 1798 and 1800. Properly speaking, the amounts thus assessed were not taxes, for no direct taxes were paid to the crown. (Judge Briant 144.) They were contributions for works of public utility apportioned from time to time, as the occasion required among the inhabitants of the posts immediately to be benefitted by those works. Three instances of this kind of taxation have come to the knowledge of Judge Briant, both by his conversations with the old inhabitants and by the records of his office, in which all the documents of the Spanish commandants of Attacapas, which are still extant, are preserved. Briant has been the judge of the Parish of St. Martin since 1815 and these documents have frequently been examined by him, (p. 143 s.s.) In each of these cases Macarty was a large contributor on account of his lands in Attakapas, and it will be observed that the tracts in Opelousas must here entirely be left out of view, the documents to be referred to applying exclusively to Attacapas.

1. The first of these instances occurred in the year 1781. It having been decided to built or repair a church in Attacapas, a resolution was adopted to impose a tax on the property of the inhabitants of the post, and for this purpose a list of the property owned by them in that part was framed, a copy of which is annexed on page 155. In this list Macarty already appears as the largest land holder in Attacapas. (p. 159.)

2. In 1788 a road, called Collett's road was constructed, to facilitate the communication between New Orleans and Attacapas (p. 145). The property of the inhabitants must necessarily have been assessed again, and the receipt for $128, paid by Macarty [75] on the occasion, will be found on p. 146.

3. In 1795 the inhabitants of Attacapas resolved to make a canal in order to connect their lakes with Bayou Lafourche and thus to establish a more direct water communication with New Orleans. This canal was executed and still exists; it issues from lak Verret and falls into Bayou Lafourche about 12 miles below Donaldsonville. A record was kept of the meetings or deliberations of the

inhabitants by which it was decided to undertake this work, and still extant (p.p. 163, 167).

At the same time the mode of assessment of the contributions was determined. The payments were made in 2 instalments, in 1798 and 1800, and the receipts for the payments made by Macarty will be found on p.p. 146 and 161 and have been proved by Judge Briant (p. 145.)

4. A fourth instance of general taxation of which Judge Briant does not seem to have been apprised, took place in 1794. The receipt for Macarty's contribution in that year will be found on p. 163 and has also been proved by Judge Briant.

In the general list of the property of the inhabitants of Attacapas, dated April 1, 1781, Macarty is assessed for 216 arpents (p. 159.) It is not doubtful that this means 216 arpents front on both sides of their respective bayous with the usual depth of 40, and independently of the proof, which has already been furnished, that all the lands of the Macarty's had an equal front on both sides of their bayous, this will result from a proper understanding of the instrument now under consideration. Not only in common parlance, says Judge Briant, (p. 144) but also in their private and public writings did the old inhabitants of Attacapas designate their lands only by their number of arpents front, without specifying whether they had this front on one or on both sides of the bayou and always understanding the depth of 40 arpents. In this very list of April 1, 1781, he has discovered many instances of what has just been advanced. Being acquainted with many of the families and lands designated in that list, he has traced several of the tracts to their present possessions and found, that they contain the number of arpents given to them in that list, but on *both* sides of the bayou, though the number was not doubled in the list, and though they had originally the same extent which they now have (p. 144.) A striking instance of this kind has already been mentioned in an other part of this memorial p. 7. The three concessions of the sons of Pierre Etier, which were inventoried in 1784 by the Spanish commandant of the Parish of St. Charles (p. 59) as being each "a concession of 10 arpents," were in reality concessions of 10 arpents front on both sides of Bayou Vermillion with the depth of 40 arpents, (see the certificates of confirmation pp. 51. 53, 55 & 57). The 216 arpents of the list of the 1st of April 1781 are no doubt these lands on the Vermillion. For the lands in Opelousas must be left out of view, both as having been granted only in 1786 (p.p. 72, 73 & 75.) and as not being situated in Attakapas, the lands claimed under Etier and Boudousquié were purchased by Macarty only after 1784 (p.p. 7 & 9), and the general list being of the commencement of 1781 and based upon information obtained at a still earlier date, the land claimed under Lesassier has also most probably been bought only afterwards.

If to all this proof be added Jos. Hebert's declaration (p. 129) that all the old grants on the lower Vermillion had the same front

on both sides of the bayou, and the testimony of Laveau Trudeau (p. 66) and of Théodore Macarty (p. 123,) who have seen the original decrees of concession, no doubt can be entertained, that the 4 tracts in question had an equal front on both sides of the bayou. The assessment of 1781, being the oldest and the nearest in date to the concessions on the Vermillion, is on that account entitled to most consideration. The receipts of 1788, 1794 [76], 1798 and 1800 are not sufficiently explicit, to throw much light on the property owned by Macarty. They were no doubt preceded by assessments, which however are no longer extant. The general list of property, for instance, which was ordered to be made by the "first deliberation of the inhabitants &c. (p. 163) dated Sept. 10, 1795—and which is referred to as having been made in the second deliberation dated January 28, 1798 (p. 167) is not to be found among the document in Judge Briants keeping.

It is much to be regretted, that as Judge Briant states, (p. 144) the documents of the post were kept with such negligence by the commandants that many acts unquestionably passed by them, are now searched for in vain. Those documents, if still accessible, would probably have shown, whether the property for which Macarty's contributions were paid, was, as in 1781, *was* that standing both in his own and in the names of his children, or whether it was only his individual property. But those receipts furnish at least an indisputable proof, that he was notoriously the owner of very extensive property, which, the memorialists confidently hope, will no longer be disputed to them.

All which is respectfully submitted.

(Signed) LS. JANIN,
Agent of the Memorialists.

New Orleans Feby. 10th 1836.

C. Deposition of J. P. Decuire and L. C. De Blanc.

STATE OF LOUISIANA,
Parish St. Martins.

Personally appeared before me the undersigned authority this 24th day of September 1824, Jean Pierre Decuire, who being duly sworn says he is more than sixty years of age, that he came to the Attakapas to reside, the year after the expidition of General Galves against Mobile and Pensacola, and has always lived there since, witness about fifteen or sixteen years old when he came to Attakapas, and was acquainted with Mr. Sorel who died some years since, and lived where Mr. Frederick Pellerin now lives in the parish St. Mary and that for several years after he came to live in Attakapas, he was in the habit of visiting Mr. Sorel frequently, that in going to and returning from Mr. Sorel's he had to pass by Chicco-Noir, that a man by the name of Dunman resided there on the land of Macarty and kept a large stock of cattle and horses for Maccarty.

Witness stopped two or three times at Dunman's house in passing and repassing, that Dunman told him he had been placed there by Maccarty, that the cattle and horses were branded J. M. I., being Maccarty's brand, the first time witness went to Mr. Sorrel's was one or two years after he came to Attakapas, and the first time he went he saw Maccarty's establishment, witness does not know how long the establishment continued, Dunman was an Englishman and afterwards moved low down on the Vermillion, and has been dead a long time cannot say how long, Dunman had a wife and children when he lived on Maccarty's land witness acted as Maccarty's agent in Attakapas a long time before the change of government Baptiste Boutte having undertaken the repairs of the Attakapas Church, the sum necessary to make those repairs was assessed on the lands of the post, that witness in conformity with a letter from Macarty paid Baptiste Boutte Maccarty's portion of taxes for eighty arpents front of land on each side of the Bayou Teche at Chicco-Noir and other lands which Maccarty had in Attakapas, witness when he paid Baptiste Boutté obtained a receipt from him which on going to New Orleans he gave to Macarty, and for which Maccarty gave him the money, witness has no letters now in his possession which he received from Maccarty having burnt some and handed the rest to the honorable Judge Porter [77] then attorney for Maccarty's heirs. Witness thinks he gave those letters to Judge Porter about the time he gave evidence in the suit of Singleton & Johnson against Prevost's heirs which he believes was for a part of Maccarty's tract at Chicco-Noir, witness is not certain whether he kept all the letters he received from Maccarty up to the time that Judge Porter took several of them, and does not recollect whether he had the letter that related to the payment of taxes to Boutte at that time or not, nor whether it was delivered to Judge Porter or not, witness may have paid other taxes but he has no recollection of it, witness says that a Mr. Deforest who then lived in the Attakapas believed that Mr. Maccarty had more than eighty arpents front at Chicco-noir and wishing to obtain the surplus by concession from the government for himself, they measured a line of one hundred & eighty French feet long as the measure of an arpent front & with that measured the front on the west side of the whole eighty arpents and found only about that quantity neither of them were surveyors, but Duforest was a man of information and understood surveying, sometime before this Maccarty requested witness to have his lands in Attakapas surveyed, witness informed Maccarty of this survey, and told him he had found about the quantity, this was about one year after Mr. Deblanc came to live in Attakapas, witness says he & Duforest began at Jean Louis Heberts lower line and measured down to Francois Collet's upper line, that there were no posts at the upper line, but at François Collet's line he found a post & trees blazed at the upper line he did not measure the east side knows of no establishment there having never visited that side.

Witness says that Jean Baptiste Rainget and Pierre Bon William once settled on Macarty's land and they informed the witness that they had left the land in consequence of Maccarty's having sent them word that if they did not leave the land he would send up a surveyor, and that they would losse their improvements if found within his lines, witness, the first year he lived in Attakapas resided on Bayou Tortue for nine years afterwards about one league above St. Martinsville, ever since he has lived on Bayou Tortu where he now resides at present and further the deponent says not.

(Signed) JEAN PIERRE DECUIRE.

On Saturday the 25th day of September 1824 personally appeared Louis C. Deblanc who being duly sworn says: witness says he is seventy-one years old, in the month of July 1796 he took command of the post of Attakapas having been for a long time previous commandant of Natchitoches, previous to his coming to Attakapas to reside. Maccarty informed him he had a vacherie at Attakapas at a place called Chicco-Noir and on arriving in Attakapas he saw the old posts of the cabbin on the land of the Chicco-Noir where the vacherie was kept still standing, he saw nothing but the ruins of a cabbin, witness further says he saw a title *sous seing privé* in the hands of Jean Baptiste Maccarty from Vincent Lesassier in favor of said Maccarty for eighty arpents front at the place called Chicco-Noir the said land was bounded above by land belonging to Jean Louis Manuel, the eighty arpents front on both sides of the Teche commenced at said land of Jean Louis Manuel and ran down the Bayou. He examined said title well that it was the practice at the time said title was given to pass these acts under private signature or before a notary who was the commandant as the parties desired said title was afterwards burnt as he was informed by Mr. Maccarty other titles that Maccarty had to land in Attakapas were burnt at same time witness further states that Maccarty got a ratification of the above mentioned title from the widow of Vincent Lesassier as he was informed by Maccarty, every person was very negligent about taking care of their titles, and in obtaining evidence of their titles witness further says that he has heard Louis De la Houssaye [78] deceased often speak of Maccarty's land at the Chicco-Noir and say that said land belonged to Maccarty and said De la Houssaye told witness that he had given his oath, that said land belonged to Maccarty and said Delahoussaye advised witness to buy Maccarty's land at Chicco-Noir soon after he came to settle in Attakapas, witness further states that he for many years paid the taxes on said land of Maccarty's, he paid said taxes some years before the change of government and since the cession of Louisiana to the United States until the death of Maccarty, witness further says that it is of his own knowledge that Jean Pierre Decuire and Valentine Duforest made a survey of the land belonging to Maccarty at Chicco-Noir, they found eighty arpents front on the west side of Bayou Teche, they did not measure the eighty arpents on the east side, said Decuire and Duforest measured Mac-

carty's land to ascertain whether there was not more than eighty arpents but found about the quantity, further witness says not.

(Signed) LOUIS C. DEBLANC.

I certify this to a true copy from the original.

JACOB CLEMENTS,
Justice of the Peace acting in and for the parish St. Martin.

Parish of St. Martin
STATE OF LOUISIANA

I, Paul Briant Judge of the Parish of St. Martin do hereby certify that Jacob Clements whose name is subscribed above in his own proper hand writing is a Justice of the Peace in and for the Parish of St. Martin and that his acts as such are entitled to full faith and credit.

Given under my hand and seal of my office at St. Martinsville Parish of St. Martin this 29th September 1824

[SEAL]

P. BRIANT
Parish Judge

Translation (The original is on p. 175).

François César Boutté's deposition.

François César Boutté declares, that he is well acquainted with a tract of land, lying on Bayou Teche at the place called Chico noir, sold by J. B. Macarty to N. Prevost witness has been settled since 1772 near Newtown, at about 2 leagues distant from the upper boundary of Macarty's tract, which has just been mentioned. He has seen Lesassier settling on it in 1775, making fences and building a house and negro-cabins on the right or west side Lesassier raised indigo on it for several years; when he resided on it, he frequently told witness that he owned eighty arpents front on each side of the bayou; that he had given in exchange for this tract lands lying as far as witness recollects at Grosse Ile, near the Vermillion. Lesassier had wood cut on the right or east side; the wood used in building the house and negro-cabins, and making the fences, was taken from the east side.—About the year 1780 Lesassier sold his land to J. B. Macarty; witness has frequently heard Lesassier say at this time, that he had sold to Macarty eighty arpents on each side of the Bayou Teche. In 1780 or 1781 Macarty took possession of it, by putting on it a white man and 4 or 5 negroes, who remained there 5 or 6 years. Macarty had a vacherie on this tract. He had a clearing made on the east side, on which the negroes raised corn for several years; they also raised corn on the west side. When Macarty withdrew his negroes he left all the buildings and the fences standing.—Witness believes that at least eight years after the negroes had left the ruins of the buildings and some portions of the fences were still visible. A short time after having taken posses-

sion, to wit: in 1780 or 1781; Macarty had a *pavure* or small wharf made on each side of the bayou, to facilitate the crossing of the bayou; he had also some fences made and a small bridge, which is on this tract on the west side of Bayou Teche. This bridge is still in existence and yet bears Macarty's name. Macarty who habitually resided at New Orleans and in its vicinity, frequently came to visit his property at the Chicot Noir. Witness having mentioned his intention, to cut cypress trees on the [79] left or east side, one A. Marc Darby, who then probably was Macarty's agent, would not permit any to be cut without Macarty's consent. There were no cypress trees on the west side. The two pavures or wharfs were principally used to cross Macarty's horses and work-oxes from one side to the other, as might be required. Under the Spanish Government lands and slaves were frequently sold without passing an act; sometimes acts under private signature were passed, at other times acts were passed before the commandant. St. Marc Darby has been dead a long time. Witness has always heard the tract above described spoken of as belonging to Macarty. This was generally known in Attacapas. Even the oldest inhabitants designated it by Macarty's name. It was about 1710 that St. Marc Darby would not permit witness to cut cypress trees, as has been stated above.

(Signed) FRANCOIS CESAR BOUTTÉ.

18th Sept. 1824.

Here follow the certificates of the justice of the peace who received the deposition and of the parish judge.

Translation (The original is on p. 179).

Deposition of Philippe Boutté.

Philippe Boutté declares that he knows a tract of land lying on Bayou Teche, at the place generally called Chicot-noir, sold by J. B. Macarty to N. Prevost. Witness settled in Attacapas near New Town (Nouvelle Ibérie) in 1772. He has resided about thirty-eight years within about two leagues distance of Macarty's land.—He has seen V. Lesassier settling on this tract in 1775. He made fences and built a house and negro-cabins on the right or west side of it, Lesassier raised indigo on it during several years.

In 1776 witness manufactured indigo on the tract of the "Chicot noir" for Lesassier. Witness has frequently heard Lesassier say, that he owned eighty arpents front on each side of the bayou, that he had given in exchange for this property lands lying, as witness believes, at the Grosse Ile, near the Vermillion. Lesassier cut would on the left or east side; the wood used in building the house and negro-cabins and in making the fences was taken from the east side. About 1780 Lesassier sold his land to J. B. Macarty.—Witness heard Lesassier say about this time, that he had sold to Macarty eighty arpents on each side of Bayou Teche. In 1780 or 1781

Macarty took possession of it, by putting a white man and four or five negroes on it, who remained there five or six years. Macarty had a vacherie on this tract. He had a clearing made on the east side, where his negroes raised corn during several years; they also raised corn on the west side. The clearing on the east side was made a short time after the arrival of the negroes. When Macarty withdrew his negroes, he left all the buildings and fences on the land. At least eight years after the departure of the negroes, which took place in 1786 the ruins of the buildings and some portions of the fences were still visible. A short time after taking possession, that is in 1780 or 1781, Macarty had on each side of the bayou a *pavure* or little wharf made, to facilitate the crossing of the bayou; he also had some fences made and also a bridge over a little bayou which passes through this tract on the west side of Bayou Teche; this bridge is still existing and bears Macarty's name. Macarty who habitually resided in New Orleans or its vicinity, came often to visit his property at the Chicot-noir. Deponent recollects that about 1780 or 1781, St. Marc Darby who resided in Attakapas, would not permit François César Boutté, deponent's brother, to cut cypress trees on the east side of the Chicot noir tract without Macarty's permission. There were no cypress trees on the west side. The two *pavures* or wharfs, made by Macarty's order, were principally used to cross the horses and work-oxen over, as circumstances might require. Under the Spanish government lands and slaves were frequently sold, without giving a deed; sometimes the acts were passed under private signature: Deponent has himself bought at various times, and paid cash for four tracts of land without taking any deed. The tract of the Chicot-noir was generally known among the inhabitants of Attacapas as Macarty's property. Most of them generally designated it by Macarty's name. V. Lesassier was still on the land, when Macarty's negroes arrived there.

18 Sept. 1824.

(Here follow the certificates of the justice of the peace who received the deposition & of the parish judge.)

Translation. (The original is on p. 183.)

Deposition of Claude Frilot.

Claude Frilot declares, that he came to reside near Nouvelle Ibérie, in Attakapas, about the year 1776. He knows the tract of the Chicot Noir, sold by V. Lesassier to J. B. Macarty and by the latter to N. Prevost. At the time of deponent's arrival in Attacapas, Lesassier was already cultivating this tract and raising indigo on it, and had built a house and negro cabins. Macarty took possession of this tract about 1780 or 1781, and had two pavures or small wharfs on the banks of Bayou Teche made, and a bridge over a little bayou which is on the east side of Bayou Teche. This

bridge is still in existence, it having been repaired several times; it still bears Macarty's name. Lesassier had not yet left the tract of the Chicot Noir, when Macarty's negroes arrived there. Shortly after their arrival they made a clearing on the left or east side, on which they raised corn. They also raised some on the right or west side. It was not necessary to make fences on the east side, to cultivate it, because the inhabitants had agreed, not to put any cattle there, except in the winter. Macarty's negroes remained 5 or 6 years on his land. At least 8 years after they had left, the ruins of the buildings and a part of the fences were still visible. The buildings and fences were not taken away when they left. The *pavures* or wharfs were principally used to facilitate the crossing of the horses and work-oxen of the plantation on the other side of the bayou, when it was intended to employ them at some work on the other side of the bayou. They were also used to cross the cattle of the vacherie to pass the winter on the east side. Deponent has been living there 47 years near the Chicot Noir or Macarty's tract. For many years even the oldest inhabitants have designated this tract as Macarty's property. Under the Spanish government it frequently happened that lands and slaves were bought without passing an act. Deponent has himself bought of A. Delahoussaye and paid for it cash a tract of land of which the sale was passed to him only twelve years after the sale and the payment of the price, and only after the change of government. The Bayou Teche has not wood on both sides. When one side is woodland, the opposite side is prairie. Hence has resulted the almost general custom, to claim concessions or to buy lands on both sides of the bayou, in order to procure from the wooded side the wood for building and firewood.

(Signed) CLAUDE FRILOT.

(18th Sept. 1824).

(Here follow the certificates of the justice of the peace, who received the deposition and of the parish judge.)

Translation. (The original is on p. 187.)

Ratification of the sale from Vincent Lesassier to Jean Baptiste Macarty by the widow of the former.

12th. This twelfth day of May in the year eighteen hundred and four and of the independence of the United States the twenty-eighth P. M. before me, Pierre Pedesclaux, a notary public of the United States of America at New Orleans, the capital of Louisiana.

Personally appeared Mrs. Marie Modeste Barbue, widow by her first marriage of P. Francois Barbue Bachemin, & by her second marriage of Vincent Lesassier, late a captain of the militia of this city, who in presence of the witnesses hereinafter named has said and declared after having taken the oath in such case required & having sworn and affirmed to say the truth, that by an act under

private signature executed between the said Vincent Lesassier, her deceased husband and Mr. Jean Baptiste Macarty, the said Vincent Lesassier did sell, under the express condition of ratifying the said sale to the said Jean Baptiste McCarty as early as the year seventeen hundred and eighty or thereabouts, a tract of land having eighty arpents front on both sides of Bayou Teche, in the district of Attacapas, at the place commonly called "le Chicot Noir," bounded above by a tract of land then belonging to Mr. Borel, and below by the lands of Victor and Charles Duon, for which tract of land the said McCarty then paid her said husband in cash; that by the said act under private signature the said Lesassier then promised and bound himself, with my consent, to execute the sale thereof before a notary public, whenever thereunto required by the said McCarty, which has as yet not been done, on account of the destruction of the title papers of the said property, which were burnt in the fire of the year seventeen hundred and ninety-four, and which consisted of the concession which had been made thereof by the Spanish government to my late husband, and the rest of contracts of exchange made with certain Acadians for another tract of land which we had on the Vermillion, and as it is perfectly true, that the said late Vincent Lesassier, my husband has really sold the said tract of land to the said McCarty, and promised to pass an authentic sale, whenever required, and that I have myself promised to ratify it although owing to circumstances, this has not been done, I declare, under the sanction of an oath, and convinced as I am of the payment of the price of the said tract of land, and of the promise given by us, to ratify the sale thereof, that I am bound to grant the said ratification and I hereby approve and ratify by these presents the said sale in all its contents, renouncing forever both in my own name and in the name of my heirs and the heirs of my husband all our rights and pretentions to the said tract of land; I declare that the price of its just value has been paid by the said McCarty who has been the owner thereof without opposition these twenty-two years or thereabouts—In faith whereof I have given the present declaration and ratification, of my own accord and free will without having been forced thereto, to avail the said McCarty, according to his rights and with his consent.

Done and passed in our office at New Orleans the day and year aforesaid in presence of Mess. Claude François Buhours d'Argy, attorney at law, Jean B. Ramirez, Lozano and Edmond Méance witnesses residing in this city, who have signed, as well as the said widow Lesassier in presence of us, the undersigned Notary.

The original is signed—Marie Modeste Barbin, widow Lesassier, Jn. Lozano, Jn. Bte. Ramirez, Méance, Buhours d'Argy, and by us the undersigned Notary, in whose office it remains deposited.

(Signed) PIERRE PEDESCLAUX, *Nre.*

Translation. (The original is on p. 191.)

First Deposition of Louis Charles De Blanc.

Louis Charles Deblanc, declares that he went to reside at Nouvelle Iberie (Newtown) in Attacapas in the year 1796 in the capacity of commandant. Witness was desired by J. B. Macarty to pay the taxes on his lands. Witness has indeed paid these taxes since his arrival in Attacapas until several years after the government of the United States took possession of Louisiana. The taxes of Macarty's lands have been regularly paid by deponent. Macarty's tract commonly called "Le Chicot Noir," sold to N. Prévost, is one of those for which deponent paid taxes. The tax was assessed on eighty arpents front on both sides of Bayou Teche. The tract of the Chicot Noir was generally considered in Attakapas as Macarty's property. Deponent has frequently heard the old inhabitants say, that Macarty owned eighty arpents front on both sides of the bayou at the "Chicot noir." When deponent arrived in Attacapas, the ruins of the improvements made by Lesassier on this tract were still in existence: The custom was to claim concessions of or to purchase lands situated on both sides of the bayou because only one side is wooded that is to say the bank opposite a tract of woodland is prairie.

(Signed) LOUIS C. DEBLANC.
(18 Sept. 1824.)

(Here follow the certificates of the Justice of the Peace who received the deposition and of the Parish Judge.)

Translation.

Certificate of Judge Briant.

STATE OF LOUISIANA,
Parish of St. Martin.

I the undersigned Judge of the Parish of St. Martin, certify, that in my said capacity I am the keeper and in possession of the acts passed before the former commandants of Attakapas, the judge of the county of Attakapas and the judges of the parish of St. Martin.

I also certify, that from the minute and careful search made in my office, it does not seem that any sale from Vincent Lesassier to Jean Baptiste Macarty is preserved in the same.

I also certify that it has sometimes happened that certified copies have been exhibited, the original of which, according to the certificates annexed to the said copies, would seem to be in this office, but would nevertheless not be found in the same.

In faith whereof, I have delivered these presents under my hand and sealed with my seal of office at St. Martinsville, the twenty eighth day of September A.D. one thousand eight hundred and twenty four.

(Signed) P. BRIANT,
Parish Judge.

990.

Declaration of Pierre Etier, specially authorized by Catherine Baudouin, widow Etier, his mother, ratifying in the name of the latter the sale of a tract of land, sold by her to Jean Bte. Macarty.

Translation. (The original is on page 197.)

This twenty-second day of April of the year one thousand eight hundred and five and of the Independence of the United States of America, the twenty-ninth P. M.

Before me Henry Hopkins, commandant of the post of Attakapas, personally appeared Mr. Pierre Etier, authorized by Catherine Baudouin his mother, by special power, passed before Charles Louis de Blanc, civil commandant of this post, to make before us the following declaration:—

And having taken the oath required in such case, he has declared, that after the death of his father, Pierre Etier, his mother sold to J. Bte. Macarty, of her own free will and accord, by act under private signature, and with the express condition to pass an act of sale before a notary public, at his first request. A tract of land, situated in the Prairie Sorel, with all the improvements then on is. And as the title and the act of sale have been burnt with other papers of the purchaser in the fire of one thousand seven hundred and ninety-eight, and the appearer not recollecting the number of arpents front which said land had he declares, that said number of arpents is the same on both sides of Bayou Vermillion. He declares moreover that not having reserved to himself any right to said land, said Macarty succeeds to all his (deponent's) rights and possesses said land under the same title. Deponent further declares that he has received of said purchaser the sum of four hundred dollars, which were paid to him the day of the sale—and by means of said payment sd. Macarty is entitled to take possession of, and enjoy and use sd. land, as he has already done since the day of the sale. Deponent moreover promises never to make any opposition to the enjoyment of sd. Macarty, as sd. land, in its aforesaid condition, is his property. Deponent has signed the foregoing declaration as true and worthy of belief in presence of Mess., Charles Olivier Derezin, Barthelemy Dejeau and Jn. Bte. Peytavin, as witnesses, on the day month and year aforesaid.

(Signed) JN. BAPTE. PEYTAVIN,
(Sigd.) PIERRE ETIER, acting under a special power of my mother.
(Signed) BTH. DÉJEAU,
(Sigd.) OLIVIER PEREZIN.

(The signatures are proved by Judge Briant page 197)

Declaration of Catherine Baudouin widow Etier, concerning a tract of land sold by her to Jn. Bte. Macarty.

Translation. (The original is on page 201.)

Considering the valid reasons given by Mrs. Dex, I authorize Mr. Philippe Duclollange to go to the domicile of said Mrs. Dex, and to receive in the ordinary form her declaration and answers to the questions which will be put to her by Mr. Edmond Macarty in the name of his father.

(Signed) HENRY HOPKINS, *Commandant.*

Attakapas May 5th 1805.

I the undersigned Philippe Duclollange, in virtue of the above authorisation, and at the request of Mr. Edmond Macarty, as agent of his father, have gone to the domicile [83] of Mrs. Catherine Baudouin, widow Etier, wife of William Dex, by second marriage, in order to take the declaration of the said Mrs. Dex, in relation to a tract of land, sold by her, many years ago, to Jean Baptiste Macarty. And said Mrs. Dex, having taken oath, in the usual form, to tell the truth in the above mentioned matter deposes, that after the death of her first husband Pierre Etier, she sold to Mr. Jean Baptiste Macarty a tract of land situated in the post of Attakapas, Prairie Sorel, with all the improvements which then were on it.

And she further declares that she sold said land for the sum of four hundred dollars, which then were paid to her in cash by Mr. Jean Baptiste Macarty.

She further says that she does not recollect the date of the sale or the extent of the land sold, nor whether the sale was passed before a notary public or under private signature.

The said widow declares moreover having sold to the sd. Macarty the whole tract of land which she owned, as a concession granted to her late husband at the said place Prairie Sorel—that she has nothing to claim as indeed she makes no claim to the land, which then was her property—that she gives the present writing, to serve as a valid act of sale, and to authorize the property of sd. land to be claimed by J. Bte. Macarty and the enjoyment thereof by said Macarty. And the said purchaser declares that the titles, which have been delivered to him, have been burnt with other papers belonging to him, in the fire of one thousand seven hundred and ninety-eight. And in order that said purchaser may be enabled to acquire the necessary information concerning the extent of the aforesaid land, the sd. Widow Etier, wife of Dex, informs said purchaser J. Bte. Macarty, that said information is contained in the inventory (of her husband's estate) which was made by Mr. Massicot, whose place is now occupied by Mr. St. Amand. She declares moreover that said tract of land is situated on Bayou Vermillion and has an equal extent on both sides of said bayou. And the said Widow Etier wife of Dex, saying that she has nothing more to declare, and this writing having been read to her in a loud and intelligible voice, acknowledges that the present writing contains the truth and not knowing

how to write; she has made her ordinary mark and William Dex her husband and Pierre Etier her son have signed with her.

Done at the above mentioned domicile, the sixth May one thousand eight hundred and five, (the original is signed) ordinary mark of Widow + Etier, now wife Dex—William Dex—Pierre Etier,—Philippe Duclollange.

Parish of St. Martin.

I the undersigned, Judge of the Parish of St. Martin, hereby certify, that the preceding is a true copy of the original, on file and of record in my office.

In testimony whereof I have hereunto put my hand and affixed the seal of my office, at St. Martinsville, the twenty-first day of September of the year one thousand eight hundred twenty-four.

[L. S.] (Signed) PAUL BRIANT,
Parish Judge.

STATE OF LOUISIANA,
Parish of St. Mary:

Affidavit.

Catherine Baudouin widow of Pierre Etier, her first and widow of William Dex, her second husband deposes and says:

That about 50 years ago Pierre Etier, her first husband, asked and obtained from the Spanish government four concessions of land on Bayou Vermillion viz: one for himself and for his son Pierre, one for his son Antoine and one for his son Alphonse.

Deponent's husband died in 1784 at the "côte des Allemands," now the Parish of St. Charles in this state. All his and deponent's children were then minors, 3 or 4 years after said Pierre Etier's death, Jean Bte. Macarty, [84] who had then a stock farm on Bayou Teche, at the place called Chicot noir, proposed to deponent to give her in exchange for her late husband's concession on the Vermillion, a tract of land of twenty arpents front on both sides of Bayou Teche, part of the aforesaid tract of land, owned by sd Jn. Bte. Macarty, at the place called Chicot noir, which is the same on which Ursin Prévost now lives. Deponent refused to make the proposed exchange but offered to sell sd. tract of land. To this sd. Macarty agreed and deponent accordingly sold sd. tract of land for $400, which were paid to her in cash. At the same time she delivered to sd. Macarty the Spanish concession or first decree granting sd. land to her husband.

Deponent was afterwards informed that her sale to Jn. Bte. Macarty and the Spanish concession which she had given up to him, had been destroyed in the great fire which consumed a great part of the city of New Orleans in 1794 and of which deponent has a distinct recollection. Deponent lived their on the Mississippi, about 8 leagues above New Orleans. Deponent was afterwards applied to

on behalf of sd Jn. Bte. Macarty, to give an act of confirmation of the sale of the aforesaid tract of land to Jn. Bte. Macarty and complied with this request.

The concessions granted to deponent's and sd. Pierre Etier's sons were of ten (10) arpents front on each side of the bayou for each son. Said concessions were subsequently confirmed by Congress & possession taken thereof by deponent's two sons, Pierre & Antoine. Her third son Alphonse died, when still very young & deponent having been his sole heir, divided his concession between the surviving two sons Pierre and Antoine.

Deponent cannot as positively affirm what the quantity of arpents granted in her husband's concession was. She believes however that it was twenty arpents on both sides of the bayou. Deponent petitioned for the grant expressly to establish a stockfarm there & it was customary to ask for & to grant at least the aforesaid quantity for a stockfarm. Said concession was prayed for by defendant's husband & granted at the same as those of his son—it was adjoining the latter three grants & these were each for ten arpents on both sides of the bayou. Deponent's husband wanted to make one farm of the whole, in order to be able to superintend as well his own as his children's portion who then were still very small. Deponent further says that a short time before his death her sd. husband Pierre Etier went on said tract of land to prepare it for a stockfarm. He made a parc (pen) & built a house for the stock gatherers. Soon after he fell sick and died. When Macarty traded with her for the land, he told deponent he wanted to establish a stockfarm there & she understood subsequently to the sale of sd. tract of land from various persons that Macarty had removed the stockfarm he had on Bayou Teche to the Vermillion.

Deponent further says that her sd. late husband Pierre Etier had no other, lands besides those mentioned, on Bayou Vermillion.

Deponent adds, that she is wholly disinterested in this matter, having been paid for sd. land more than 40 years ago, & having renounced her former right to sd. land & given up the title to it, which is all that was required of her by sd. Jn. Bte. Macarty, the said Catherine Baudoin now widow of Wm. Disk not knowing how to write makes her ordinary mark.

her
CATHERINE ⋈ BAUDOIN,
mark
widow of WM. DISK.

Sworn to and subscribed before me this 26th day of August 1831.
(Sigd.) JOSHUA BAKER,
Parish Judge of St. Mary.

WESTERN DISTRICT,
Orleans Territory: *Attakapas.*
B. *No.* 1338. *Deputy Register's—No.* 79

By the commissioners, appointed for the purpose of ascertaining the rights of persons to lands within the district and territory aforesaid, it is hereby certified, that Pierre Etier of the county of Attakapas, is confirmed in his claim to a tract of land containing eight hundred superficial arpents, equal to six hundred and seventy-seven American acres, founded on an order of survey in favour of the claimant for ten arpens front by the depth of forty on each side of the Vermillion, dated the first of March 1783, and signed by Miro, then Governor of the Province of Louisiana, with proof of settlement on & previous to the first of October 1800 situate in the county of Attakapas on both sides of the Vermillion, bounded on one side by *Etier Senr.* and on the other by Boudousquié—and having such forms and marks, natural and artificial, as shall be represented in a plat of survey thereof to be returned by the principal deputy surveyor of the said district. Whereof, agreebly to the provisions of an act of Congress, passed the third day of March, one thousand eight hundred and seven, entitled "An act respecting the claims to land in the Territories of Orleans and Louisiana," the claimant is entitled to a patent from the United States for the above described tract of land or so much thereof as may not be rightfully claimed by any other persons:

Unless the same should be found to include either a lead mine or salt spring. This certificate being filed with the Register of Land Office for the said district, within twelve months from the date hereof, shall entitle the claimant to the certificate of the said register, on which a patent shall issue. Given under our hands at Opelousas church, this 24th day of August in the year one thousand eight hundred and eleven and in the thirty-sixth year of the independence of the United States.

WM. GANARD,
LEVIN WAILES,
GIDEON FITZ,
Commissioners.

Attest. JOHN THOMPSON,
Clerk of the Board.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be a true copy of the original, returned according to law, and on record in my office.

Given under my hand, and private seal of office, at my aforesaid office this 20th day of October A. D. 1831.

[v. K.] VALENTINE KING, *Regr.*

WESTERN DISTRICT,
Orleans Territory: *Attakapas.*
B. *No.* 1336. *Deputy Register's No.* 80.

By the commissioners appointed for the purpose of ascertaining the rights of persons to lands within the district and territory aforesaid, it is hereby certified, that Pierre Etier of the county of Attakapas is confirmed in his claim to a tract of land contained about four hundred superficial arpents equal to three hundred & thirty-eight & $\frac{81}{100}$ American acres, founded on an order of survey in favor of Alphonse Etier deceased for ten arpens in front on the river Vermillion by the depth of forty on both sides of the said river, dated the first day of March 1783, and signed by Estevan Miro then Governor of the Province of Louisiana, with settlement & occupancy on & previous to the first day of October 1800—situated in the county of Attakapas bounded on one side by the land of Antoine Etier, and on the other by the domain of the king at the date of the petition. The part hereby confirmed to the said Pierre being one moiety of the entire tract claimed by him as one of the heirs of his deceased brother Alphonse, to wit: five arpents front by the depth of forty on both sides of the said river—the other moiety being confirmed to Antoine Etier, the other brother and having such forms and mark, natural and artificial, as shall be represented in a plat of survey thereof to be returned by the principal deputy surveyor of the said district. Whereof agreeably to the provisions of an Act of Congress, passed the third day of March, one thousand eight hundred and seven, entitled "An act respecting the claims to land in the territories of Orleans and Louisiana," the claimant is entitled to a patent from the United States for the above described tract of land, or so much thereof as may not be rightfully claimed by any other person: unless the same should be found to include either a lead mine or salt spring. This certificate being filed with the register of the Land Office for the said district, within twelve months from the date hereof, shall entitle the claimant to the certificate of the said register, on which patent shall issue.

Given under our hands at Opelousas Church, this 24th day of August in the year one thousand eight hundred and eleven and in the thirty-sixth year of the Independence of the United States.

WM. GANARD,
LEVIN WAILES,
GIDEON FITZ,
Commissioners.

Attest. JOHN THOMPSON,
Clerk of the Board.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be a true copy of the original, returned according to law, and on record in my office.

Given under my hand, and private seal of office, at my aforesaid office this 20th day of October A. D. 1831.

[v. k.] VALENTINE KING, *Regr.*

WESTERN DISTRICT,
Orleans Territory: *Attakapas.*
B. No. 1335. *Deputy Register's No.* 80.

By the Commissioners, appointed for the purpose of ascertaining the rights of persons to lands within the district and territory aforesaid, it is hereby certified, that Antoine Etier of the County of Attakapas is confirmed in his claim to a tract of land containing four hundred superficial arpents equal to three hundred & thirty-eight & $\frac{51}{100}$ American acres, founded on an order of survey in favor of Alphonse Etier deceased, for ten arpents front on the River Vermillion by the depth of forty arpens on both sides of said river dated the third day of March 1783, and signed by Estevan Miro then Governor of the Providence of Louisiana, with settlement on & previous to the first day of October, 1800—situate in the County of Attakapas bounded on one side by Antoine Etier and on the other by the domain of the king at the date of the petition. The part hereby confirmed to the said Antoine being one moiety of the entire tract claimed by him as one of the heirs of his deceased brother Alphonse, to wit: five arpents front on both sides of the river—the other moiety being confirmed to Pierre Etier, the other brother and having such forms and marks, natural and artificial, as shall be represented in a plat of survey thereof to be returned by the principal deputy surveyor of the said district. Whereof, agreeably to the provisions of an Act of Congress, passed the third day of March, one thousand eight hundred and seven, entitled "An act respecting the claims to land in the Territories of Orleans and Louisiana," the claimant is entitled to a patent from the United States for the above described tract of land or so much thereof as may not be rightfully claimed by any other person:
unless the same should be found to include either a lead mine or salt spring. This certificate being filed with the register of the land office for the said district, within twelve months from the date hereof, shall entitle the claimant to the certificate of the said register, on which a patent shall issue. Given under our hands at Opelousas Church, this 24th day of August in the year one thousand eight hundred and eleven and in the thirty-sixth year of the Independence of the United States.

WM. GANARD,
LEVIN WAILES,
GIDEON FITZ,
Commissioners.

Attest. JOHN THOMPSON,
Clerk of the Board.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be a true copy of the original, returned according to law, and on record in my office.

Given under my hand and private seal of office, at my aforesaid office, this 20th Oct. A. D. 1831.

[V. K.] VALENTINE KING, *Regr.*

WESTERN DISTRICT,
Orleans Territory: *Attakapas.*
B. No. 1337. *Deputy Register's No.* 80.

By the Commissioners appointed for the purpose of ascertaining the rights of persons to lands within the district and territory aforesaid, it is hereby certified, that Antoine Etier of the County of Attakapas is confirmed in his claim to a tract of land containing about eight hundred superficial arpents, equal to six hundred and seventy-seven American acres, founded on an order of survey in favor of the claimant for ten arpents of front by the depth of forty arpens on both sides of the River Vermillion bearing date the 1st of March 1783, and signed by Miro then Governor of the Province of Louisiana, and settlement on and previous to the 1st of October 1800, situate in the County of Attakapas on the Vermillion River, bounded on one side by Etier Senr. and on the other side by Alphonse Etier—and having such forms and marks, natural and artificial, as shall be, represented in a plat of survey thereof to be returned by the principal deputy surveyor of the said district, wherefore agreeably to the provisions of an Act of Congress, passed the third day of March, one thousand eight hundred and seven, entitled "An act respecting the claims to land in the Territories of Orleans and Louisiana," the claimant is entitled to a patent from the United States for the above described tract of land, or so much thereof as may not be rightfully claimed by any other person:
unless the same should be found to include either a lead mine or salt spring. This certificate being filed with the register of the land office for the said district within twelve months from the date hereof, shall entitle the claimant to the certificate of the said register, on which a patent shall issue. Given under our hands at Opelousas Church, this 24th day of August in the year one thousand eight hundred and eleven and in the thirty-sixth year of the Independence of the United States.

WM. GANARD,
LERIN WAILES,
GIDEON FITZ,
Commissioners.

Attest. JOHN THOMPSON,
Clerk of the Board.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be a true copy of the original, returned according to law, and on record in my office.

Given under my hand, and private seal of office, at my aforesaid office this 20th day of October A.D. 1831.

[V. K.] VALENTINE KING, *Regr.*

Extract from the inventory of the estate of Pierre Etier Sr.

NB. The original inventory, in the French language, made on the first of June 1784 by the Spanish commandant of the parish of St. Charles, is on page 203).

As it is very long and by far the greatest part of it entirely irrelevant to the claims of the Macarty's, only such parts of it have been translated as are relative to the concessions obtained by the deceased and his sons. The rest refers exclusively to a plantation owned by the deceased on the Mississippi, his slaves, garments, household furniture, receits, letters and deeds of sale, as is deposed by Louis Janin Esq. the translator, p. 235.

"In a small trunk several papers were found, among which were the following concessions:

A concession granted by governor Miro and executed by Declouette, Commandant of Attakapas, dated Feb. 3d 1783, for twenty-five arpents.—numbered 6.

"*A concession for twenty arpents in Attacapas, on Bayou Vermillion, dated Oct.* 8. 1782 *and numbered* 9.

"A concession for *ten* arpents, granted to *Pierre Etier* the son, dated Dec. 4. 1782, in Attakapas, numbered 10.

A concession granted *to Antoine* son of Pierre Etier for *ten* arpents in Attakapas, dated Dec. 3. 1782, numbered 11.

"A concession of *ten* arpents granted to *Alphonse* Etier, son of the late Etier, granted on Dec. 3. 1782, numbered 12.

Ratification of a sale of a tract of land sold by Antoine Boudousquié to Jean Baptiste Macarty.

Translation. The original is on page 215.

This sixth day of June of the year one thousand eight hundred and four, & of the Independence of the United States the twenty-eighth, P.M.

Before us, Pierre Pedesclaux, Notary Public of the United States of America, at the city of New Orleans, the capital of the State of Louisiana.

Personally appeared Antoine Boudousquié, a citizen of this city who after having taken the oath required in such case, has declared to us, that in the year one thousand seven hundred and eighty-four or thereabouts, he sold of his own free will, and having the right of

doing so, to Jean Baptiste Macarty, by act under private signature, and with the express condition to pass an act of sale before a notary public, at his (sd. Macarty's) first request. A tract of land, situated in the district of Attakapas, at the place called Prairie Sorel, with all the improvements then on it, which tract of land has forty arpents front on each side of Bayou Vermillion.

That as the price of said tract of land, sd. Jn. Bte. Macarty has paid to appearer in cash the sum of four hundred dollars—that since said period the said Macarty having neglected to ask of him to pass an act before a notary public, said Macarty could have no other title but the act under private signature, which was formerly delivered to him by this appearer—that in the fire of one thousand seven hundred and ninety-eight this appearer lost all his papers which became the prey of the flames, and sd. Macarty also lost his papers—and the latter has continued to use said land on the faith of the promise of this appearer, to furnish him an authentic title.

That having had the misfortune of losing in said fire the titles of concession, which were granted to him for said land by Don Bernardo de Galvez, then governor of this province, it is impossible for him to recollect precisely the date of said concession, or the names of the inhabitants, whose Commissions bordered on it, for this reason that, at the aforesaid period, said district of country was very little inhabited; but as it would be unjust that sd. Macarty should preffer in consequence of said circumstances and should experience difficulties on account of his sd. property, sd. appearer has declared to us, under the sanction of the oath he has taken, that having been paid by sd. Macarty, he renounces for ever, as well in his own name as in that of his heirs, all his rights to the said tract of land, in favor of sd. Macarty, the true and only owner, who has used and enjoyed said land for more than twenty years. And said appearer has requested us to embody the preceding in a public act to serve and be used by the sd. Macarty for all legal purposes—and so we have accordingly done.

Done in our office at New Orleans, on the day &c. aforesaid, in presence of Claude François Buhourd Dargy a lawyer, Jean Baptiste Ramirez, Joachin Hozano, and Edmond Méance, witnesses residing in this city, who have signed this act with the aforesaid appearer in our presence.

The original is signed Ante. Boudousquié, Jean Bapte. Ramirez, Joaqn. Lazano, Méance, Buhourd d'Argy, Pierre Pedesclaux Noty.

I hereby certify that the preceding is a true copy of the original preserved in my office on record. In testimony whereof I have hereunto set my hand and affixed the seal of my office. New Orleans, July 1st, 1831.

[L. S.] (Signed) LOUIS T. CAIRE,
Not. Pub.

Extracts from the Records of the land office at Orpelousas. Notice of Jn. Bt. Macarty for the recording of his lands in the county of Attakapas.

John Baptist Macarty of this territory of Orleans represents that the great fire which happened in this town in the year 1794 burnt up all the original titles of the lands that he possessed in the county of Attakapas, and *oblige* him to have recourse to the persons from whom he purchased them for a ratification of sale. These lands are situated, part upon the river Theche, and part upon the river Vermillion and contain 268 acres front with the common depth of forty acres on each side of said rivers. That quantity of 268 acres claimed by the petitioner, exceeds twenty-two acres the quantity expressed in several accounts presented to him in the years 1794, 1797 and 1800 respecting the payment of the general tax laid upon the lands of that district for public roads, but that difference must proceed from mistake of the person who was employed to assess the payment of said tax.

The documents that the petitioner presents in place of the original titles for the support of his claim, are the following papers.

No. 1. A copy of a sale by Louis Judice containing 28 acres front on each side of the river Theche.

No. 2. A ratification of sale by the Widow Vincent Lessassier containing 80 acres front on each side of the river Theche at the place called the "*Chicot Noir.*"

No. 3. A ratification of sale by Anthony Boudousquié of 40 acres front on each side of the river Vermillion at the place called "La Prairie Sorel."

No. 4. A ratification of sale by Widow Etier married since the deed, tho' not mentioning any fixed measure, should complete 120 acres front on each side of the Vermillion at the same place called Prairie Sorel, including some land granted to the proprietor and to Bartholomew and Edward, Macarty his sons joining the 40 acres bought of Boudousque, the whole amounting together to 268 acres that the proprietor claims and which quantity exceeds, as already observed, the quantity expressed in the receipt of land tax, as it appears by the documents Nos. 5, 6 and 7.

In consequence of the petitioners, true notice and correct information of the loss of his original titles of land, and that he has been in quiet possession of said land during twenty-five consecutive years, paying the said tax laid on them for the public use, he requests the recording of the documents mentioned in his petition, and expects the confirmation of his claim being conformant to justice.

The petitioner observes that he will have those lands surveyed as soon as possible, and will deliver copies of their surveys to be recorded, if it is considered necessary.

(Signed) JN. BTE. MACARTY.

Recd. Dec. 24th 1806.

Reports.

No. 102—John Bte. Macarty for his son Barthelemy claims forty arpents front by the depth of forty arpents adjoining Joseph Pinte du Pin and Joseph Therry.

The notice of this claim is accompanied by a certified order of survey by J. M. Gurley then Register of the Land Office New Orleans taken from the records in his possession 27th Decr. 1806. The order of survey bears date 5 July 1786 in favor of Bertheleme McCarty for forty arpents front by the ordinary depth, bounded by Jose Penti du Pin & Josef Therry in Attakapas." A plat of survey by Ferdinand V. Pothier giving forty arpents front by the depth of forty arpents on both sides of Vermillion is filed with the claim, dated 19 April 1805.

No proof to establish occupancy has been adduced. For the decision of the board on this claim see No. 104.

No. 103. John Bte. McCarty for his son Edmond claims 40 arpents front by the depth of 40 arpents from the end of the land of his brother Berthelemy McCarthy and running towards Therry. The notice of this claim is accompanied by a certified copy of an order of survey by J. W. Gurley then Register of the Land Office New Orleans taken from the Spanish records in his office. The said order of survey being in favor of Edmond McCarty forty arpents front with the ordinary depth situate as above described, bears date 5 July 1786. A plat of survey by Ferdinand V. Pothier, dated 20 April 1805 giving 40 arpens front by the depth of forty arpents on both sides of Bayou Vermillion, is also filed with the notice. No proof has been aduced to establish occupancy. For the decision of the board in this claim, see the next No. 104.

No. 104. John Baptiste McCarty for himself claims 40 arpents in front 40 arpents in depth, being at a place called Pointe de Pin, bounded by Joseph Therry and Antoine Blanc. The notice is accompanied by the copy from the record of an order of survey for the said tract in favor of the claimant dated 5 July 1786, by J. W. Gurley Register of the Land Office New Orleans. The following are the interrogatories put to Mr. Charles Trudeau late Surveyor General of Louisiana before the judge of the City of New Orleans, the Honble. Moreau Lislet annexed to the commission from the board dated 24 February 1813. Interrogatory the first. Have you any knowledge of title papers having been obtained from former governments for any or all of the above described tracts of land—if so, which tracts? What was their nature, whether requettes, orders of survey or complete grants?

Second. If you have any knowledge of title papers having existed, for those lands, by what means did you derive it?

Third. Do you know what has become of those papers if any ever existed? *Fourth.* Relate all you know with respect to said papers and lands—To which he hath answered, 28th April 1813—to the

first interrogatory—That he has no knowledge of the several tracts of land mentioned in the commission as having been purchased from Louis Judice, Vincent Lesassier, Pierre Etier & Boudousque, but that he has a knowledge of a tract in the name of John Bte. McCarty on the Vermillion having eighty-four arpents front by the same depth towards the sea—That the deceased had not a complete grant of the same, but only a decree or order rendered on requette by Governor Miro as it was usually done on every application for grants—and which was called the first decree (premier decret de concession)—that he has this knowledge because he saw the original which was delivered to him by the late John Bte. McCarty, when he this appearer has a knowledge of four grants made to the late John Bte. McCarty and his three sons on both sides of the Vermillion having each forty arpents front by the depth of forty, which made for the four tracts one hundred and sixty arpents front by the depth of forty on both sides of the Vermillion. That the deceased & his children had only obtained the original decree, or order on requette for these grants from Governor Miro and that he, this appearer, saw these original orders which were delivered to him in the time, in order to make the necessary surveys—That he this appearer; has no knowledge of the lands which are said to have been possessed by the late John Bte. McCarty or his children at Opelousas. To the second interrogatory—That he got a knowledge of the title papers which he has before mentioned, because the original decrees were delivered to him in order to go and to make the survey of the lands so granted to the late John Bte. McCarty and his children and to several other persons at Attakapas and Opelousas. To the third interrogatory—That he this appearer, having received these papers from the interested parties for the aforesaid purpose—went at first, to Opelousas, and that when there, he was called to Natchez by Governor Miro, to superintend the fortifications and was so prevented to go to Attakapas to execute his commission—because being at Natchez, he fell sick and to recover was compelled to return to New Orleans where he remained in possession of the papers which had been delivered to him as well as of those belonging to his office as Surveyor General as far as the year 1788 when the whole was burnt in the conflagration which took place in this city about the month of March of the said year. To the fourth question—That he recollects that among the papers which were delivered to him by John Bte. McCarty as aforesaid, there were several besides the decrees and orders by him mentioned; but that not having particularly examined them, he cannot say if they were relative to the three lands purchased by him or granted to him or his children at Opelousas.

The manner of introducing the evidence in the claims of Mr. McCarty reported from No. 98 to 104 inclusive, makes it necessary to investing them collectively. It will be noticed that in the evidence of Mr. Trudeau, he has declared that he had no knowledge of the tracts of land claimed under Judice, Lesassier, Etier &

Boudousquié, which were the claims on which the commission to take his examination, issued from the Board. The commission has therefore been used to obtain Mr. Trudeau's testimony in the claim of John Bte. McCarty for lands said to have been ceded to the said McCarty and his sons, which are understood to be reported under Nos. 102, 103 & 104. Extracts given by the former Register of the Eastern district, from the concessions in favor of McCarty and sons prove that Mr. Trudeau's impressions have been erroneous. The concessions are dated in 1786—three or four years subsequently to the time he has said he was in Opelousas and Attakapas, for the purpose of making surveys. He has said they were for forty arpents front & by the depth of forty arpents on *both sides of the Vermillion river*. They are for forty arpents in front with forty arpents in depth only—which would give only half the area he has assigned to them. The word *Vermillion* is no where to be found in these documents. On the contrary—the lands are located in the concessions adjoining to persons who are not known to have possessed lands on the Vermillion river. Three receipts from John Bte. McCarty for taxes on his lands in the Attakapas in the years 1794, 1797 & 1800 have been produced before the Board. They must certainly be regarded as an evidence of his being proprietor of land in that district, at those dates; but they are not specific as to the tracts charged; nor do they, as to the quantity, comport with the claims of the said Macarty before the Board. The receipts in every case are for 246 arpents of land—supposed to be arpents of front;—whereas from summing up the fronts which have been claimed on each bank of the rivers Teche & Vermillion, they are found to amount to four hundred and sixteen arpents exclusively of the tract claimed under the widow Etier, which they do not know the contents of.

The quantities stated in the Report Nos. 102, 103 & 104 correspond with the copies of the orders of survey obtained from the Registers office New Orleans, since the notices were filed.

The notices, in those cases, are for forty arpents in depth on both sides of the river, Vermillion double the quantity conceded. This, to say the least betrays the claimants, ignorance of the quantity of land to which he was entitled, and suggests the propriety of circumspection on the part of the Board in relation to the claims for which the titles are said to have been destroyed by fire in New Orleans. These are the claims No. 99 held under Vincent Lesassier, the claim under Boudousquié, reported No. 100, and the claim under the widow Etier No. 101. The confirmation of claims under orders of survey is recommended agreeably to the concessions. These are—No. 98, claimed under Louis Judice junr. The notice of this claim is for 20 arpents front by the depth of 40 arpents on both sides of the river Teche; the order of survey recently produced is for 20 arpents front by the depth of 40 arpents on the west side, and six arpents front on the east side of the Teche. The Nos. 102, 103 &

104, each for 40 arpents front by the depth of 40 arpents on orders of survey in favour of John Bte. McCarty and his two sons. It should be mentioned however, that two last mentioned orders of survey are for 3 tracts of land adjoining to each other, in the county of Attakapas, without expressing any water course, one of them calling to adjoin Antoine Blanc:—And the commissioners knowing of no land conceded to that person in the County of Attakapas except a tract on the river Nementon, the claim to which has been confirmed by certificate B. No. 1119 are of the opinion that the intention has been to concede the land for the three last mentioned Nos. in that quarter. The Board cannot recommend the confirmation of the three other claims—that under Vincent Lesassier, that under Boudousqué, nor that under the widow Etier, to the extent claimed. It appears from the declaration on oath of Madame Widow Lesassier and Mr. Lahoussaye that Vincent Lesassier purchased the land, the claim for which is reported under No. 99 of this report in separate portions from four persons whose names are not mentioned. The deeds of sale from those persons, if produced would doubtless afford useful information as to the quantity and situation of the land to which the claimant may be entitled. It can hardly be doubted that some or all of those deeds might be found on the records either of the county of Attakapas or in the city of New Orleans.

In the other two claims, No. 100–101, the only evidence adduced, and that by no means satisfactory is that of the vendor in the one case, and that of the widow in the other. The death of the claimant John Bte. McCarty having been suggested to the board, they would deem it reasonable that Congress should indulge his representatives with time to search for and procure such further written evidence of title in the three last mentioned cases, viz: the claim under Lesassier, that under Boudousqué, and the one under Etier. And in the event of the failure of the production of such documents, the board is of opinion the claims in question ought not to be confirmed.

LAND OFFICE AT OPELOUSAS,
State of Louisiana, 30*th March* 1829.

I do hereby certify the foregoing to be truly copied from the original Reports of the Commissioners appointed to ascertain and adjust titles and claims to land in the South-Western District of the Territory of Orleans, now State of Lonisiana (and from the original notice) of the claims to land in the county of Attakapas made to the Secretary of the Treasury of the United States on the 1st of May, 1815.

Given under my hand and private seal of office at my office aforesaid this 30th day of March 1829.

[V. K.] VALENTINE KING,
Register.

No. 1020. *Notice.*—The legal representatives of John Bte. McCarty claim a tract of land of eighty-four arpents front by the depth of eighty-four arpents on or in the vicinity of the River *Vermillion* near the sea marsh conceded by the Spanish government to the said John Bte. McCarty.

The documents of title having been consumed by fire in New Orleans, the claimants beg the privilege of introducing oral testimony for the purpose of establishing their former existence.

Opelousas 13th Dec'r. 1813.

No. 950 Report.—The legal representatives of John Bte. McCarty claim 7056 superficial arpents of land, viz: 84 arpents front by 84 deep near Bayou Vermillion county of Attakapas.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be truly copied from the original notice and from the report made 30th Dec'r. 1815 by the register and receiver of this office acting as a board of commissioners for ascertaining and adjusting titles and claims to lands. And I do further certify that the report of which the above is a copy is arranged under class 8 which comprizes "claims which being accompanied by no document of title of date anterior to the 20th Decr. 1803, nor proof of occupancy and cultivation prior to the 12th of April 1814 *ought not* in the opinion of the register and receiver to be confirmed."

Given under my hand and private seal of office this 30th March 1829.

[v. K.] (Signed) VALENTINE KING,
Register.

No. 1108. Bartholomew McCarty claims 1600 superficial arpents of land viz 40 arpents front by 40 deep situated at the point of Peries in the county of Opelousas. Reference is had in the notice to the Attakapas Record Book page 374 for the extract of an order of survey in his favor, from which it appears that the land is granted in the county of Attakapas. It therefore has no relevancy to the present claim, and the report of the former Board of Commissioners on claims in the county of Attakapas will be found to embrace all the land that the McCarty's are entitled to.

I, John W. Gurley Register of the Land Office for the Eastern District of the Territory of Orleans do by these presents certify that upon the records now in my possession of the warrants of survey issued by the Spanish government within the late province of Louisiana, there is one recorded in the following manner.

Cinco de Julio de *mil setecientos ochenta y seis.*
A Dn. Bertholem Macarty quarenta arpanes con la profundidad ordinaria lindando con Jose Pinte de Pin y Josef Terry en Attakapas.
Given under my hand at the city of New Orleans this 27th day of Decr. 1806.

(Sigd.) J. W. GURLEY.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be truly copied from the original report made 30 Dec. 1815 by the register and receiver of this office acting as a board of commissioners for ascertaining and adjusting titles and claims to lands and of the document therein referred to. And I do further certify that the report of which the foregoing is a copy is classed by said commissioners in class 8 which comprises "claims which being accompanied by no document of title of date anterior to the 20th Decr. 1803 nor proof of occupancy and cultivation prior to the 12th April 1814, ought not in the opinion of the said register & receiver to be confirmed."
Given under my hand and private seal of office this 30th day of March 1829.

[V. K.] VALENTINE KING,
Register.

No. 1109. Edmond McCarty claims 1600 superficial arpents of land—viz: 40 arpents front by 40 deep at the point of Peries in the county of Opelousas. Reference is had in the notice to Attakapas Record Book page 374 for the extract of an order of Survey in his favor from which it appears that the land is granted in the county of Attakapas.
It therefore has no relevancy to the present claim, and the report of the former Board of Commissioners on claims in the county of Attakapas will be found to embrace all the land that the McCarty's are entitled to.

I, John W. Gurley Register of the Land Office for the Eastern District of the Territory of Orleans do by these presents certify that upon the records now in my possession of the warrants of Survey issued by the Spanish government within the late province of Louisiana, there is one recorded in the following terms—Cinco Julio de *mil setecientos ochenta y seis* a Dn. Edmundo Macarty quarenta arpanes con la profondidad ordinaria desde el fin de las tierras de Dn. Barthelemi su hermano yendo hacia las de Jose Therry.
Given under my hand at the city of New Orleans this 27th Decr. 1806.

(Sigd.) J. W. GURLEY.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be truly copied from the report made 30 Decr. 1815 by the Register and Receiver of this office acting as a Board of Commissioners for ascertaining and adjusting titles and claims to lands and from the document in said report referred to.

And I do further certify that the report of which the foregoing is a copy is classed by the said commissioners in class 8 which comprises—

"Claims which being accompanied by no document of title of date anterior to the 20 Decr. 1803, nor proof of occupancy and cultivation prior to the 12th of April 1814, *ought not*, in the opinion of the Register and Receiver to be confirmed."

Given under my hand and private seal of office this 30th of March 1829.

[V. K.] VALENTINE KING, *Register.*

No. 1110. The legal representatives of John Bte. McCarty claim 1600 superficial arpents of land viz: 40 arpents front by 40 deep, situated at the point of Pines in the county of Opelousas. Reference is had in the notice to Attakapas' Record Book page 374 for an extract of an order of survey in J. B. Macarty's favor, from which it appears that the land is granted in the county of Attakapas.

It therefore has no relevancy to the present claim, and the report of the former Board of Commissioners on Claims in the county of Attakapas will be found to embrace all the land that the McCartys are entitled to.

I, John W. Gurley Register of the Land Office of the Eastern District of the Territory of Orleans do by these presents certify that upon the records now in my possession of the warrants of survey issued by the Spanish government within the late Province of Louisiana, there is one registered in the following form"—"Cingo de Julio de mil setecientos ochenta y seis a Dn. Juan Baptista Macarty quarenta arpanes de tierra de frente con la profundidad ordinaria de quarenta comensando des de el parage *Pointe de Pin.* lindando con Jose Therry y Dn. Antonio Blanco en Attakapas.

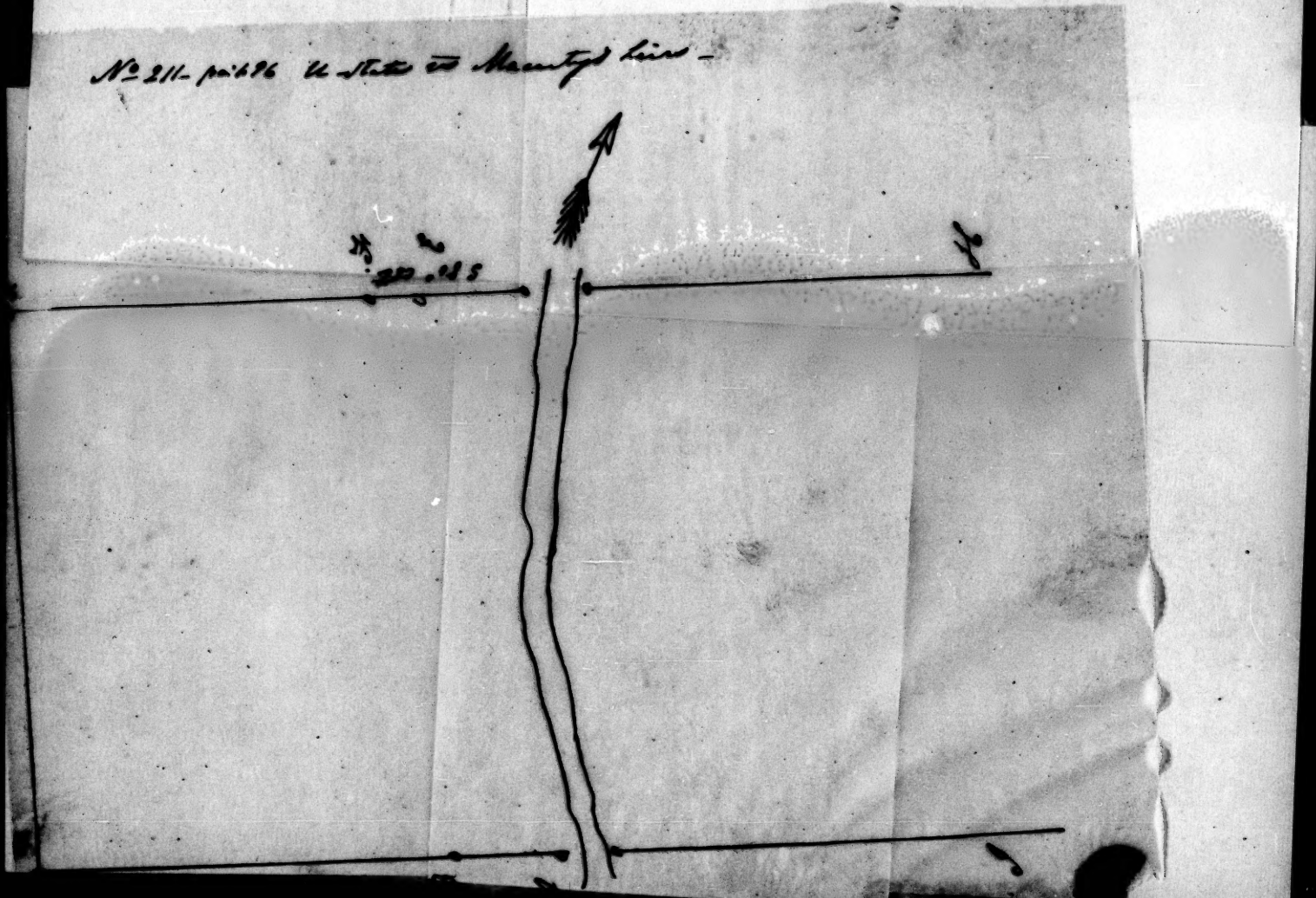
Given under my hand at the city of New Orleans this 27th day of Decr. 1806.

(Sigd.) J. W. GURLEY.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be truly copied from the report made 30 Dec. 1815 by the register and receiver of this office acting as a board of commissioners for ascertaining and adjusting titles and claims to lands, and from the document in said report

No 211 pa 696 U States vs Maurice's heirs –



referred to. And I do further certify that the report of which the foregoing is a copy is classed by said commissioners in class 8. which comprizes "Claims which being accompanied by no document of title of date anterior to the 20 Dec. 1803, nor proof of occupancy & cultivation prior to the 12th April 1814, *ought not*, in the opinion of the register and rec'r to be confirmed."

Given under my hand and private seal of office this 31st March 1829.

[V. K.] VALENTINE KING,
Register.

No. 949. Paul Lanusse claims 3200 superficial arpents of land—viz: 20 arpents by 40 deep each side of Bayou Vermillion, county of Attakapas, as per plat of survey by Potier dated 22d April 1805 filed with the notice.

No. 1019. Notice.

Paul Lanusse claims a tract of land of forty arpents front by the depth of forty arpents on each side of the River Vermillion at a place called Prairie Sorel or Maguire in the county of Attakapas, conceded by the Spanish government to *Celeste Macarty* wife of the claimant. The documents of title on which this claim is founded having been consumed by a disastrous conflagration some years since in the city of New Orleans, the claimant hopes he shall be permitted to introduce the oral testimony of such of the ancient officers of the Spanish government as may have it in their power to establish the former existence of the concession or order of survey. A plat of survey by Pothier accompanies this notice.

Opelousas 13th Dec. 1813.

[For plat see original, p. 196.]

Moi soussigné à la requisition de Mr. Lanusse epoux de Mlle. Celeste McCarty representé par Mr. Louis Charles Deblanc certifie avoir mesuré en sa faveur une portion de terre de quarante arpens des deux bords du Vermillion ayant quarante de profondeur situé à la prairie Sorel et vulgairement nommé Meguine. Ayant reconnue les bornes B. C. laurier doux à l'entré au bois; d'y celle avoir tous semblables bornes dirigé par sud quatre vingt degre est. A sud 80° ouest pour la profondeur nous avions borrogne de A. en D. quarante arpens ouvran recangle pour la face, nous avons mesuré quarente arpens au bout de quelle a trente toises durientangle nous avons pri une borne de lorier doux, rond et en pointe marque F. d'icelle a trente toises semblables borne F. dirigé par sud a quatre vingt degré est, et N. 80° ouest pour la profondeur, delors continue nos mesures tant sur l'oriental que l'occidentale nous les aurions porté au point C. H. I. pour complaiter le tin de la quarante de sorte qu'il lui revient entre les lettres A. D. G. H. I. une superficie de 3200 arpens

continue en son litre et comme il est de marqué au plan c'y contre. Le requerant étant satisfait, nous lui avons delivré le present pour lui servir et valoir en vas que de droit.

(Signed) A. V. POTHIEUR,
Arpenteur Jure.

Attakapas 22 Avril 1805.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be copied from the report made 30 Dec. 1815, by the register and receiver of this office acting as a board of commissioners for ascertaining and adjusting titles and claims to lands and from the original notice and document in said report referred to.

And I do further certify that the report of which the foregoing is a copy is classed the said commissioners in class 8. which comprises —"Claims which being accompanied by no document of title of date anterior to the 20 Dec. 1803, nor proof of occupancy and cultivation prior to the 12th of April 1814, *ought not*, in the opinion of the register and receiver to be confirmed."

Given under my hand and private seal of office this 31st of March 1829.

[V. K.] (Signed) VALENTINE KING,
Register.

Commission of the Commissioners of the Land Office, issued in the matter of the claims of the Macarty's.

The Board of Commissioners of the Western Land-District of the State of Louisiana—

To the Hble. Moreau-Lislet, City Judge.

Reposing confidence in you, we do hereby appoint and commission you to examine under oath Charles Laveau Trudeau respecting the several claims of Jno. Bte. Macarty, viz:

A tract purchased from Louis Judice containing thirty arpents front by the depth of forty on the Bayou Teche.

A tract purchased from Vincent Lesassier having eighty arpents front on both sides of the Bayou Teche with the depth of forty on each side.

A tract purchased from Pierre Etier having twenty arpents front on both sides of the Bayou Vermillion with the depth of forty.

A tract in his own name on the Vermillion having eighty-four arpents in front with the same depth, toward the sea.

A purchase from Boudousquié, having twenty arpents front on both sides of the Vermillion with the depth of forty.

A tract in his own and the names of his three sons on both sides of the Vermillion, having one hundred and sixty arpents front by the depth of forty, and

A tract of one hundred and twenty arpents in three concessions in Opelousas by the depth of forty.

Which said examination you will return to the board of commissioners under your hand and seal with the least possible delay, together with this commission.

In testimony whereof I hereunto set my hand at Opelousas.

(Sigd.) LLOYD POSEY,
Clerk.

February 24 1813.

Interrogatory.

1. Have you any knowledge of title papers having been obtained from the former governments for any or all of the above described tracts of land? If so for which tracts, what was their nature, whether requettes, orders of survey or complete grants?

2. If you have any knowledge of title papers having existed of those lands, by what means did you derive it?

3. Do you know what has become of these papers if any ever existed? Relate all you know with respect to said papers and lands.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be a true copy from the original commission, returned and on file in this office—and at the request of the interested I do further certify that the said commission has not been recited or referred to, (except the interrogatories thereto annexed, No. 1, 2, 3,) in the report of the late board of commissioners on the claims of Jean Bte. Macarty No. 98 to 104.

Given under my hand and private seal of office this 21st day of October A.D. 1831.

[V. K.] VALENTINE KING, *Regr.*

STATE OF LOUISIANA,
Parish of Opelousas:

Affidavit.

Martin Donate, duly sworn deposes,

Tha he was born at New Orleans and is 71 years of age—that he has always resided in the present parish of Opelousas since his 16th year and that he is a planter thereof—that he bought the plantation, on which he now lives, in 1784.

Deponent remembers distinctly having seen Charles Laveau Trudeau, the Spanish surveyor general, in Opelousas, previous to his deponent's purchase of his above sd. plantation in 1784—it must have been in 1782 or 1783—said Trudeau surveyed then lands in Opelousas, and as deponent believes, left the Opelousas, county, before the deponent bought his above said plantation. It is not to

deponent's knowledge that Trudeau ever returned after that period —if he had, deponent believes he, deponent would have known it.

Deponent has known, more than 45 years ago and a number of years afterwards Joseph Thierry who had a tract of land in Church Prairie, about 5 or 6 miles from the present village of Opelousas, or St. Landry on which tract he lived. Said Thierry did commercial business, and was in partnership with Macarty who resided in New Orleans.

Sworn and subscribed to before at Opelousas this 19th day of October Anno Domini 1831.

(Sigd.) M. DONATO,
(Sigd.) HENDERSON TAYLOR,
Justice Peace Parish of St. Landry.

STATE OF LOUISIANA,
Parish of Opelousas:

Affidavit.

Joseph Andrews, duly sworn, deposes, that he has been a planter in the parish, formerly post of Opelousas since the year 1785—that he came to Opelousas for the first time in 1781, being then 22 years of age, & left very soon afterwards for Attakapas.

When travelling in Attakapas, he saw J. Bte. Macarty's stock at the place called Chicot Noir on Bayou Teche. Deponent then went to live at the parc perdu—sd. place is about 2 leagues north-east from the Bayou aux Tigres—& west of sd. bayou & between it & Bayou Vermillion the high land was called Prairie Sorel. While deponent was living in Attakapas, and, as has been already stated by him, at a short distance only from Prairie Sorel, Macarty's stock was taken to sd. Prairie Sorel by Dunman, who had kept it at the aforesaid place called Chicot Noir. After Dunman, Aaron Drake, Delahoussaye's stock gatherer, took charge of it—at least as far as deponent recollects, Drake had something to do with sd. stock. It was a very large stock—deponent saw it when it was droven by his house at the parc perdu. There were pens & cabins for the stock gatherers on Prairie Sorel sd. prairie was always called Macarty's—when Macarty's stock was put on sd. prairie, public and general opinion was that it belonged to Macarty. Deponent knew both Dunman & Drake. All this was previous to 1785. In Dec. 1784 deponent left the Attakapas & came to Opelousas, where he has ever since been living deponent knows that in 1782 & 1783, Charles Laveau Trudeau, the Spanish surveyor general was in Opelousas & surveyed lands, and that he has never afterwards been in Opelousas. When deponent arrived in Opelousas in 1784, he was generally informed that Laveau Trudeau had been surveying lands there 1 or 2 years previous & as deponent has ever since 1784 been a resident of Opelousas, he would certainly have known it if Laveau Trudeau had been in sd. county or parish since his (deponent's) arrival; Lucke

Collins was Trudeau's deputy in Opelousas & made all surveys as long as the country remained under the Spanish government.

When Louisiana was ceded to the American government, V. Pottier was sent to Opelousas to surrender the country. Pottier surveyed afterwards many tracts of land. In further proof of the fact that Laveau Trudeau was in Opelousas in 1782 or 1783, deponent says that all the neighbouring lands were at that time surveyed by M. Trudeau, as by reference to the authentic surveys must appear. Deponent's own land, originally granted to Charles Barré, Jacques Patin's, now also belonging to deponent, and the adjoining tracts then owned by Donato Bello, Batiste Figueron &c. were all surveyed at that time.

(Signed) JOSEPH ANDREWS.

Sworn and subscribed to before me at Opelousas Parish of St. Landry this 12th of September A. D. 1831.

(Signed) HENDERSON TAYLOR,
Justice of the Peace acting in and for Parish of St. Landry.

STATE OF LOUISIANA,
Parish of Orleans:

Affidavit.

Joseph Tricou, duly sworn deposes that since the year 1782 he has been an inhabitant of the former province, now State of Louisiana. In the year 1788, deponent was absent from the country on business, and on his return in the month of April of the same year he found the greater part of New Orleans and his own house destroyed by the fire which had occurred during his absence. Deponent has known the late Charles Laveau Trudeau, surveyor general of the province. Said Trudeau's house was in St. Peter's street, in the square in which the fire broke out, and was also consumed in the aforesaid fire.

In 1794, another fire laid a very great of New Orleans in ashes. The fire commenced in Royal street and extended up Chartres street consuming among others the house in which Jean Baptiste Macarty lived and all the surrounding houses. Deponent has known J. B. Macarty and has seen his house on fire. The wind was very high and the progress of the fire very rapid.

(Signed) JH. TRICOU.

Sworn to and subscribed before me New Orleans November 26th 1831.

(Sigd.) GALIEN PRÉVAL,
Judge.

STATE OF LOUISIANA,
Parish of Orleans:

Affidavit.

Celestin Boudousquié, duly sworn, deposes that he has a perfect and distinct recollection of the great fire, which in 1788 destroyed nearly the whole city of New Orleans. Deponent believes that all the houses were then of wood, he does not recollect a single brick-house, even the presbytery was of wood.

The fire broke out in Chartres Street and raged with great violence. Charles Lareau Trudeau whom deponent has particularly known, and whose house was in the same square in which the fire commenced, was one of the first those were consumed by it.

(Sigd.) C. BOUDOUSQUIÉ.

Sworn to and subscribed before me. New Orleans November 16th 1831.

(Sigd.) GALIEN PRÉVAL,
Judge.

[For maps see original, pages 207–208–209.]

Requête or petition of Louis A. George Desmarets, for a tract of land on Bayou Vermillion.

Translation.

(The original, certified by the Register of the Land Office at Opelousas, in on page 277.)

Record Book 4 p.p. 20 & 21.

Mr. Miro, Inspector, Colonel and Governor of the Province of Louisiana.

Louis A. Desmarest, has the honour to represent to you, that, wishing to establish a stockfarm in that part of Attakapas, where he already has in his possession about three hundred heads of cattle exclusive of several mares and horses, he prays your honour to grant to him forty arpents front with the usual depth, on the lower Vermillion, opposite to the land of Mr. Macarty, to commence at the point where Patrick Clark, an American, had a cabin and running towards the sea marsh his lines running back conformably to the determination of the king's surveyor, without prejudice to any body.

Your petitioner will pray for the preservation of your honour's life.

(Signed) DESMAREST.

Attakapas April 15th 1786.

The statement of the petitioner in relation to the number of heads of cattle, is true—the land demanded by him, belongs to the do-

main, and is fit only for a stockfarm—which I certify to his honour, Governor Miro, in order that the order of survey may be granted.

(Signed) THE CHEVALIER DE CLOUET.

Attakapas August 17, 1786.

(Follows the certificate of the Register of the Land Office.)

WESTERN DISTRICT,

Orleans Territory: *Attakapas.*

B. No. 951. *Register's No.* 28.

By the commissioners appointed for the purpose of ascertaining the rights of persons to lands within the district and territory aforesaid, it is hereby certified, that George Burrel of the County of Attakapas is confirmed in his claim to a tract of land containing about sixteen hundred superficial arpents equal to thirteen hundred and fifty four American acres, founded on an order of survey in favour of Georget Louis Desmarest for forty arpens in front by the depth of forty arpents, bearing date the twenty second day of September one thousand seven hundred and eighty six, and signed by Estevan Miro then governor of the Province of Louisiana, situate in the County of Attakapas on the Bayou Vermillion, opposite to land claimed by McCarty; to be taken from the point at which Patrick Clarke decd. was established—which tract of land was sold, and by deed of sale from the said Georget Louis Demarets, transferred, on the 16th day of July 1790 to David Harman; and is now claimed by the said George Burrel in consequence of his intermarriage with the widow of the said David Harman and having such form and marks, natural and artificial, as shall be represented in a plat of survey thereof to be returned by the principal deputy surveyor of the said district. Wherefore, agreeably to the provisions of an act of Congress, passed to third day of March, one thousand eight hundred and seven, entitled "an act respecting the claims to land in territories of Orleans and Louisiana," the claimant is entitled to a patent from the United States for the above described tract of land or so much thereof as may not be rightfully claimed by any other person:—unless the same should be found to include either a lead mine or salt spring. This certificate being filed with the register of the land office for the said district within twelve months from the date hereof, shall entitle the claimant to the certificate of the said register, on which a patent shall issue.

Given under our hands at Opelousas Church, this 26th day of June in the year one thousand eight hundred and eleven and in the thirty fifth year of the Independence of the United States.

WM. GANARD,
LEVEN WAILES,
GIDEON FITZ,
Commissioners.

Attest. JOHN THOMPSON,
Clerk of the Board.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be a true copy of the original, returned according to law, and on record in my office.

Given under my hand, and private seal of office, at my aforesaid office this 20th day of October A. D. 1831.

[V. K.] (Sigd.) VALENTINE KING, *Regr.*

WESTERN DISTRICT,
Orleans Territory: *Attakapas.*
B. No. 1237. *Register's No.* 191.

By the commissioners appointed for the purpose of ascertaining the rights of persons to lands within the district and territory, aforesaid, it is hereby certified, that William White of the County of Attakapas in confirmed in his claim to a tract of land containing four hundred superficial arpents equal to three hundred and thirty eight 51-100 American acres founded on an order of survey in favor of the claimant for ten arpents front by forty in depth, dated the 28d of April 1794 and signed by the Baron de Carondelet, then governor of Louisiana, with proof of settlement on and previous the first of October 1800, situated in the County of Attakapas, on the left bank of the Vermillion River, opposite to the lands of McCarty, to be taken at the boundary of the Widow Harman, and having such form and marks, natural and artificial as shall be represented in a plat of survey thereof to be returned by the principal deputy surveyor of the said district. Wherefore, agreeably to the provisions of an Act of Congress, passed the third day of March, one thousand eight hundred and seven, entitled "an act respecting the claims to land in the territories of Orleans and Louisiana," the claimant is entitled to a patent from the United States for the above described tract of land or so much thereof, as is not rightfully claimed by any other person unless the same should be found to include either a lead mine or salt spring. This certificate being filed with the register of the land office for the said district, within twelve months from the date hereof, shall entitle the claimant to the certificate of the said register, on which a patent shall issue.

Given under our hands at Opelousas Church, this second day of August in the year one thousand eight hundred and eleven and in the thirty sixth year of the independence of the United States.

WM. GANARD,
LEVIN WAILES,
GIDEON FITZ,
Commissioners.

Attest. JOHN THOMPSON,
Clerk of the Board.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify that the foregoing is a true copy of the original, returned according to law, and of record in my office.

Given under my hand, and private seal of office, at my aforesaid office this 20th day of October, A. D. 1831.

[v. k.] VALENTINE KING, *Regr.*

STATE OF LOUISIANA,
Parish of Opelousas:

Affidavit.

Theodore Macarty, being duly sworn, deposes, that he was born in the city of New Orleans, and the brother of the late Jean Baptiste McCarty, whose claims to lands in the notice of Congress by his heirs.—That he has no interest in this matter, never having had any right to any one of the tracts of land, purchased by or granted to his late brother—that it is to his knowledge that the lands now claimed by the heirs of Jean Baptiste Macarty, are really their property, sd. lands having partly been granted to J. B. Macarty and his children and partly purchased by him.

Deponent has seen Governor Miro's decree of concession of five tracts of land to J. B. McCarty and his children, while they still were in the hands of his brother. They were afterwards destroyed in the office of Charles Laveau Trudeau, the surveyor general for the province of Louisiana, by the great fire of 1788, as deponent has frequently been informed. Deponent was then absent from the country, but this fire was often mentioned to him and is still held in lively remembrance by the old inhabitants. Deponent was acquainted with the handwriting of Governor Miro who was his brother in law.

The tracts granted on Bayou Vermillion were five in number, one for 84 arpents by 84 in Prairie Sorel, and 4 on both sides of the bayou, having each 40 arpents by 40 on each side.

Deponent was frequently, while Louisiana was still a Spanish colony, in Attakapas, and several times on the Vermillion, and always found that all the inhabitants were perfectly aware that the above mentioned lands were the property of J. B. Macarty and his children. There were then no other settlers on those lands, but those whom J. B. Macarty had sent there, to attend to his stock-farm. J. B. Macarty petitioned the government for these lands for the purpose of establishing extensive stockfarms on them. Deponent is of opinion that these lands would certainly have been demanded of the government by other persons, if it had not been known that they had already been granted to J. B. Macarty. For these lands are near the sea, surrounded on several sides by sea marshes, and on

that account particularly adapted to stockfarms, at that time the only source of revenue of the inhabitants of that country.

Deponent has a knowledge of the three tracts of land, which were granted to his brother in Opelousas, adjoining to the land of Joseph Therry. Said Thierry always lived in Opelousas, and deponent was acquainted with him. Thierry did commercial business in Opelousas, and J. B. Macarty, who had obtained from the Spanish government a special permission of importing English goods, furnished him with goods, and was for many years connected in business with him. J. B. Macarty asked the above mentioned concessions in Opelousas, adjoining Thierry's tract, in order to establish a stockfarm on them, in partnership with the said Thierry, and soon after the date of the concessions a stock owned by Macarty and Thierry in common was put on it.

Deponent was in New Orleans, at the time of the great fire of 1794, and lived then in the same house with his brother. This house was of wood, as nearly all the houses in New Orleans then were, and had two stories, the lower being occupied by a store, the upper by his brother's dwelling. When the fire broke out, deponent happened to be about 6 or 8 minutes walk from his house and at the first alarm, went to his house. He found his brother on the roof of the house with his servants, endeavoring to save the house. The wind was very high and the progress of the fire most rapid. The surrounding houses were already on fire when J. B. Macarty still persevered in his exertions; but the flames, having suddenly gained his house he had hardly time to leave the roof in safety. J. B. Macarty immediately invited deponent and some other persons to try to save the most valuable property contained in the house; but they found the staircase on fire and J. B. Macarty returned from his ineffectual efforts with his coat partly burned, his hand injured, and without his hat. Nothing was saved of the property contained in the house all the papers of J. B. Macarty, comprising his land titles, were destroyed, and deponent lost himself every thing that he had in the house. Such was the violence of the fire that deponent and his brother could only with difficulty gain the levee (that is, the banks of the Mississippi) unhurt. Half of the town was consumed by this fire. Shortly after J. B. Macarty made a declaration or protest before a [89] notary public, in which, after having recited the circumstances of the fire and mentioned his useless efforts to save his most valuable property, he deposed under oath, that all his papers had been destroyed.

Deponent knows, that besides the above mentioned land titles, J. B. Macarty's commercial book and many notes of hand were burned, and that his brother had in consequence great difficulties with his correspondents and debtors and suffered very considerable losses.

Deponent further states that J. B. Macarty died in 1808 of a sudden and unexpected death without having time to put his papers in order—that Edmond Macarty who afterwards had charge of the

land-business of the family, died in 1816 leaving minor children—that Paul Lanusse, the husband of Celeste Macarty, and subsequent agent of the family in their land claims, met with heavy losses in his commercial business, which embarrassed his affairs, absorbed all his attention, and oblidged him to travel and reside for some time in Mexico, with a view of prosecute his claims to a large amount in that country, where he died in 1825.

Sworn to & subscribed before me, New Orleans November 16th 1881.

THÉODORE MACARTY.
GALLIEN PRÉVAL,
Judge.

STATE OF LOUISIANA,
Parish of Lafayette:

Affidavit.

Pierre Lapointe, duly sworn, deposes, that since his tenth year he has almost always lived on the lower Vermillion—that he has now passed his sixtieth year. In his youth he lived with his father at the Grosse Ile on the lower Vermillion, and kept the stockfarm of Charles Dugat. Below the Grosse Ile is the Prairie Sorel and deponent knows that Macarty had a stockfarm there. Said stockfarm was kept by the Dunmans, father and son and by Jacob Ryan who lived with them all of whom deponent has known. Both the Dunmans are dead and Jacob Ryan lives on the Calcasin. Deponent has often seen Macarty's stockfarm, and while he lived at the Grosse Ile went there almost every Sunday.

Deponent has known Pierre Etier, the father. Deponent recollects distinctly that about 45 years or a little moro ago, Pierre Etier came to deponent's father and contracted with him for the building of a house on the land claimed by sd. Pierre Etier on the lower Vermillion. Said tract of land adjoined the tract claimed by his sd. Pierre Etier's) children. Deponents father built sd. house, deponent has seen sd. house and has been in it.

Deponent further says, that Macarty claimed the land below the Etier's, on the Vermillion. This was generally known through the country, already many years ago. It was equally known that the land on which Macarty kept his stockfarm was his.

his
PIERRE ⋈ LAPOINTE.
mark

Sworn to and subscribed before me on this 26th day of October 1881—at the Parish of Lafayette.

CHARLES KIBBE,
Justice of the Peace in & for the Parish of Lafayette.

STATE OF LOUISIANA,
Parish of St. Martin:

Affidavit.

Pelletier de la Houssaye, duly sworn deposes, that his father bought in 1777 or 1778 a tract of land on the lower Vermillion of one Pero, to whom it had been originally granted. This is the same tract of land, which now belongs, part to Rice & part to Merrimon. Deponent went on that tract of land very frequently, as much as 5 or 6 times a year. It was the common understanding of all the inhabitants of the country, that the land on Bayou Vermillion below deponent's father land, belonged to J. Bte. Macarty & to the Etiers —but in which order these tracts followed each other, deponent does not remember. It was generally known that Macarty's land extended down the bayou to near the seamarsh. Between deponent's father's land and the sea marsh, there were no other concessions besides those of the Etiers & those belonging to the Macartys. J. B. Macarty had besides another extensive tract of land on Prairie Sorel or Meguine. Deponent's father had a stockfarm on Bayou aux Tigres, J. Bte. Macarty had also a stockfarm on Bayou Vermillion, but deponent does not precisely recollect on which of his lands he kept it. Deponent remembers however, that Aaron Drake, who kept deponent's father's vacherie or stockfarm, assisted sometimes in collecting Macarty's animals, for the purpose of branding them, & deponent's father lent him horses to that effect. It is to deponent's knowledge that all the lands of the Macartys on Bayou Vermillion & the tract in Prairie Sorel were surveyed by Victor Pottier. Deponent was some times present at these surveys. Notice was given to the neighbours, & 5 or 6 appeared, of whom deponent recollects Benjamin Broussard & Jean Langlinais, both deceased. He also believes that Agricole Hebert, who then kept deponent's stockfarm, was present, or has at least a knowledge of sd. survey and its circumstances. No opposition was made by those neighbours to Macarty's claims, nor has deponent at any time heard of any objection to those claims. The rights of the Macarty's to the aforesaid lands were a matter of public notoriety. Deponent's late father was particularly acquainted with the claims of the Macartys on the Vermillion and always expressed a decided opinion concerning their justness.

P. DELAHOUSSAYE.

Sworn and subscribed to, before me at my office in the town of St. Martinville, Parish of St. Martin, on this day the fifth of October in the year of our Lord, one thousand eight hundred and thirty-one.

FERGUS FUSELIER,
Justice of the Peace in & for the Parish of St. Martin.

STATE OF LOUISIANA,
Parish of Lafayette:

Affidavit.

Joseph Hebert, duly sworn, deposes, that he has been about sixty years a planter on Bayou Vermillion. Between 40 and 50 years ago, deponent knew Macarty, who then frequently came from New Orleans, where he lived, to the lower Vermillion. Macarty used to stay, on each of his journeys to the lower Vermillion, between a fortnight and a month. Deponent believes that his object was, to look after the stockfarm, which he, Macarty, had on the lower Vermillion below the Prairie Sorel. Deponent lived on the upper Vermillion and, as he never travelled on the lower Vermillion, has not himself seen the aforesaid stockfarm, but it was generally known throughout the country, that Macarty had a stockfarm at the aforesaid place. Deponent does not know the situation or the extent of the land Macarty may have owned on Bayou Vermillion, but he frequently was told that Macarty owned land on the lower Vermillion.

Deponent further says that all the old Spanish concessions on Bayou Vermillion were on both sides of the bayou. Deponent has known Pierre Etier the father and knows that he made improvements on a tract of land on Bayou Vermillion, some distance below the Whites. Deponent has seen sd. improvements. Etier died very shortly after having made them; this may have been about 48 years ago.

his
JOSEPH ⋈ HEBERT.
mark

Sworn to and subscribed before me J. J. Neven Justice of the Peace in and for the Parish of Lafayette the said Joseph Hebert having made his ordinary mark not knowing how to write.

J. J. NEVEN,
Justice of the Peace in and for the Parish aforesaid.
1st November 1831.

STATE OF LOUISIANA,
Parish of Lafayette:

Affidavit.

Jean Baptiste Trahan, duly sworn deposes that for these forty-seven years past he has been a resident on the Bayou Vermillion in what is now the parish of Lafayette county of Attakapas, and formerly of the parish of St. Martin, that in the year seventeen hundred and eighty-six or seven he knew that Jean Baptiste Macarty had a stock-farm on the Lower Vermillion which was attended by a certain Dunman and his sons, said Dunman was generally known as the agent or overseer of said Macarty. Deponent went himself

down to said stockfarm, saw a house and a parc on it, made use himself of said park to keep his cattles said part of Bayou Vermillion was then unsettled and no other inhabitants were on it but said Dunman and his sons.

his
JEAN BAPTISTE ⋈ TRAHAN.
mark

Sworn to and subscribed before me J. J. Neven Justice of the Peace in and for the Parish of Lafayette, said Jean Baptiste Trahan having made his ordinary mark not knowing how to write.

J. J. NEVEN,
Justice of the Peace in and for the Parish aforesaid.

3d November 1831.

STATE OF LOUISIANA,
Parish of Lafayette:

Affidavit.

Martin Louis Broussard, duly sworn; deposes that he has been thirty-five or forty years a planter on the Bayou Vermillion, in the now parish of Lafayette State of Louisiana, and formerly of the parish of St. Martin was born on the said bayou that forty-six years ago or about that time, deponent knew that Jean Baptiste Macarty had a stockfarm on the lower Vermillion, which was managed by a certain Dunman agent or overseer for said Macarty, deponent went himself down to the said stockfarm, saw a house and a parc on it, Macarty had several slaves employed on the said stockfarm one of them called Tom Macarty was particularly known by deponent, one of the Macarty's came several times, at that same time, from New Orleans where he lived to the Bayou Vermillion bought once a good many horses and mares from deponent's father.

his
MARTIN LOUIS ⋈ BROUSSARD.
mark

Sworn to and subscribed before me J. J. Neven, Justice of the Peace in and for the Parish of Lafayette said Martin Louis Broussard having made his ordinary mark not knowing how to write.

J. J. NEVEN,
Justice of the Peace in and for the Parish aforesaid.

2d November 1831.

STATE OF LOUISIANA,
Parish of Lafayette:

Affidavit.

Marin Mouton, duly sworn, declares, that he has been a planter on Bayou Vermillion for about 45 years—that previously he had

1066.

been living on the Mississippi and on Bayou Carancro and that then he settled on the upper Vermillion.

More than forty years ago already he knew John Dunman and James, his son, Jacob Ryan, an orphan, lived with them. Dunman, the father, frequently told deponent, that he kept Macarty stockfarm in the prairie below the Grosse Ile, on the east bank of the lower Vermillion. The above sd. Jacob Ryan kept the sd. stockfarm with the above sd. Dunmans, as deponent was often told by himself (sd. Ryan). He is now living on the Calcasin; the Dunmans have been dead a considerable time.

Many persons were acquainted with and spoke of Macarty's above mentioned stockfarm—it was a fact generally known in the country that Macarty owned the land on which he kept his stockfarm, deponent however, who then lived at a considerable distance from sd. land, never was on it, and does not know the precise situation of it, otherwise than that it was in the prairie below the Grosse Ile.

his
MARRIN ⋈ MOUTON.
mark

Sworn to and subscribed before me this twenty-sixth day of October one thousand eight hundred and thirty-one at the parish of Lafayette.

CHARLES KIBBE,
Justice of the Peace within and for the Parish of Lafayette.

STATE OF LOUISIANA,
Parish of Lafayette:

Affidavit.

Grégoire Villejoint, duly sworn, deposes, that since the year 1810, he has been a resident of what is now the Parish of Lafayette, and formerly was a part of the Parish of St. Martin—that in the years 1820, 1821 and 1822, he was one of the three assessors of the than parish of St. Martin—that as such he made enquiries about the lands which the family Macarty were said to own on the Vermillion, and was informed by old residents that they owned the following tracts of land, which, jointly with his co-assessors, he accordingly put on the tax list, viz:

	Arpents.	Estimated at in 1820.	Estimated in 1821 & 2.
Estate of J. B. Macarty (situated on Bayou Vermillion)	164	$6560	$8200
Barthelemy Macarty " "	40	$1600	$2000
Edmund Macarty " "	40	$1600	$2000
Paul Lanusse " "	40	$1600	$2000

Deponent further says that since the year 1823 he has been sheriff and collector of taxes of the parish of Lafayette and knows that the

taxes of the aforesaid lands have been regularly paid by the family Macarty.

Deponent further adds that during the time that he was assessor, the lands were still put on the tax list according to the Spanish mode, that is, by counting only the number of arpents front of the bayou, so that the above mentioned number of arpents means arpents front on Bayou Vermillion.

Deponent further says that it was a fact generally known in the country that the Macartys owned extensive lands on Bayou Vermillion.

G. VILLEJOUIN,
Sheriff of the Parish of Lafayette.

Sworn to and subscribed before me.

J. J. NEVEN,
Justice of the Peace in and for the Parish of Lafayette.

This 3d November, 1831.

J. J. NEVEN,
Justice of the Peace in and for the Parish aforesaid.

A.

STATE OF LOUISIANA,
Parish of St. Martin:

Affidavit.

Paul Briant, duly sworn, deposes that in the year 1813 he was appointed sheriff, and in the year 1815 parish judge of the parish of St. Martin, which latter office he has ever since held. That in the year 1814 he was one of the assessors of said parish, and went with one of his co-assessors to the Vermillion country, to inspect and assess the lands belonging to said district, and he understood from old residents that the family Macarty owned on the lower Vermillion several tracts of land which were described to deponent in the following manner and which he accordingly put on the tax list, viz:

Jean Baptiste Macarty	164 arpents
Edmund Macarty	40 "
Barthelemy Macarty	40 "
Paul Lanusse husband of Celeste Macarty	40 "

When deponent was assessor, lands were still assessed according to the Spanish plan, that is, per arpent front to a water course.

Under the Spanish government, lands were of very little value, and very easily obtained. The transactions of the old residents concerning lands were generally very loose. They passed their deeds of sale of lands very frequently under private signature. They designated in common parlance lands by the number of arpents, front without specifying, whether the land was situated on one or

both sides of the bayou. But it was more generally understood that an arpent meant an arpent front on both sides of the bayou by 40 deep. Many concessions were on both sides of the bayou.

Not only in common parlance, but also in the private writings of the old inhabitants, for instance; wills, inventories &c., the same mode of designation was adopted, as the inspection of many acts, passed under the Spanish government, has convinced deponent. Even in the public writings of the post of Attakapas, occasionally no more accurate descriptions of the lands of the inhabitants are given. Thus in the writing entitled: "Recensement general des proprietés des habitants des Attakapas (see p. 153) &c."—that is general list of the property owned by the inhabitants of Attakapas, serving for the assessment of taxes for the repairing of the church of the post Attakapas 1781,"—which writing is preserved in deponent's office and of which he has delivered a copy to the heirs of Macarty—in that general list the lands of the inhabitants are sometimes described in the manner adverted to. Deponent who is acquainted with many of the families and the lands, designated in the mentioned writing, has found in several instances, where he traced such a tract of land to his present possessor, that is contained the number of arpents, expressed in "the general list" but on both sides of the bayou with 40 deep, and that the tract has been originally such.

The Spanish Commandant of Attakapas, who was at the same time the principal civil and military officer and ex-officio notary of the post, kept his office and archives generally at his dwelling, within the limits of the post, as deponent has been informed, said archives were at the charge of government deposited in the office of the parish-judge of the Parish of St. Martin. Frequent investigations have proved to deponent, that under the Spanish government said archives were kept with great carelessness and that many papers have been lost—it was in 1810 only, that proper attention was bestowed upon them and that they were regularly filed. This circumstance explains how papers, that certainly ought to have been filed and to be found in deponent's office have notwithstanding most diligent search, not been discovered, although now all those papers are classed and in perfect order. Deponent is not aware that any papers originally belonging to the archives of the Spanish commandant of Attakapas, are now in any other public office of the state but deponent's, or in the hands of any private individual. The papers, thus in vain searched for by the heirs of Macarty, will be mentioned hereafter.

The heirs of Macarty desire, as they inform deponent, to prove that long before the change of government, their ancestor Jean Baptiste Macarty, was known as an extensive land holder in Attakapas. One of the means by which they consider themselves enabled to prove this, is the proof of the property of which they were stated to be the owners, and the taxes which have been assessed on said lands and paid by them, on every occasion, when taxes were to be

paid. For this purpose, as they tell deponent, they have taken out of this office, copies of several acts, relating to the aforesaid subject, and produced before deponent several receits, with a view of proving the signatures. At the request of the heirs of Macarty, deponent shall enter into a short explanation of said documents and receits and then prove the signatures.

As deponent has understood from all the old inhabitants no other taxes were paid under the Spanish government, but the contributions of the inhabitants for works of internal improvement, upon which they had themselves agreed. On such occasions public meetings were held and the rate of assessment (?) determined, lists of all the real property of the inhabitants were made and each assessed in proportion to his property. Three instances of this description only are known to deponent, and neither in his conversations with the old inhabitants, nor in the documents of his office has deponent discovered the trace of another. In each of these instances, Jean Baptiste Macarty seems to have been a large contributor.

1°. The oldest of these general taxations is that of 1781 for the repair of the Attakapas church. Jean Baptiste Macarty is set down for 216 arpents, the largest landholder, deponent has already mentioned the general list of the property of the inhabitants "which was made on the occasion and has stated his reasons why in his belief, it is possible, that the above mentioned 216 arpents are situated on both sides of their respective watercourses and have the usual depth of 40 arpents.

2°. The second instances was the general contribution of the inhabitants of Attakapas in 1788 to a road from Berwick's Bay to Lafourche, for the cattle which the Attakapas sent every year to New Orleans and which formed their principal article of export. This road was named after the person who made it: Collet's road—Chemin de Collet. According to others, it received that name because sd. Collet was the person who annually drove the Attakapas cattle to New Orleans. Some works on Bayou Plaquemine seem to have been connected with said road. Neither the general list of property, which must have been made in this case, nor the deliberations of the inhabitants, nor any other document whatsoever, relating to this public work, are extant in deponent's office; but the performance of the work and the contribution of the inhabitants is a matter of public notoriety, and it is thus that deponent has received a knowledge of it.

The heirs of Macarty have produced a receit for money, paid on this occasion, the English translation of which follows:

"I have received of Mr. de Macarty the sum of one hundred and twenty-eight dollars being the amount of what he owed for Collet's road and the Plaquemine-works. New Orleans March 7, 1788.

(Sigd.) BÉRARD,
Syndic.

Deponent recognizes the receit and the signature to be in the handwriting of Berard, whom he has well known, and whom he has often seen write and sign his name. Deponent has besides been informed repeatedly by Bérard himself before his decease, that he held the office of syndic during a considerable number of years.

3°. The third and last instance of general taxation are the repeated contributions of the inhabitants of Attakapas for the canal of Lafourche. The general list of property, the basis of every [Vide 163–167] assessment, is again wanting, but *deliberations* of the inhabitants fixing the rate of taxes, have been preserved and copies been delivered to the heirs of Macarty. This rate of assessment is repeated on the receits, of which the Macartys have produced two before deponent, for the purpose of having the signatures proved.

The first is dated Attakapas August 27, 1797. Jean Baptiste Macarty is taxed for 246 arpents. These arpents may be arpents front on both sides of the bayou. The reasons for this belief, given above, apply equally to this case. If the general list of property, made on this occasion, had not been lost, this would probably have been proved with great ease, by tracing up well known concessions, which have been marked in the same manner.

This receit is signed by Philippe Duclollange, F. L. Lagroue and the Spanish Commandant Deblanc. Deponent has compared the signature of the former two, with numerous acts signed by them, and preserved in deponent's office, and found them to be genuine. The signature of the former Spanish Commandant Deblanc, since deceased, is perfectly well known to deponent, who has known sd. Louis Deblanc during many years and has often seen him write and sign his name.

The second receit is dated Attakapas, April 15, 1800 and signed by Philippe Duclollange and F. L. Lagroue, Jean Baptiste Macarty is again set down as the owner of the same number of arpents as above and the observations made, when speaking of the first receit, apply equally to the second and they also relate to the manner in which the number of arpents may have to be understood in deponent's opinion, and to the proof of the signatures.

Two other papers have been shown to deponent, with the intention of having the signatures proved by deponent, [p. 43] if he should recognize them. The first is a *power of attorney* [195] of Catherine Baudoin, widow Etier, to her son Pierre Etier authorizing him to make a certain declaration in her name, concerning a tract of land sold by her to Jean Baptiste Macarty. The whole act and the signature at the bottom of it are in the handwriting of Louis Deblanc, the former Spanish commandant, which is perfectly known to deponent, as he has already declared. The date of sd. act is of the 19th of April 1805.

(p. 47.) The second act dated April 22, 1805, is the *declaration of Pierre Etier*, made in consequence of the above mentioned power.

Deponent recognizes it to be written and signed by J. Bte. Peytarin," whose handwriting is familiar to [96] him, as he has seen it in many acts in his office. Said Peytavin seems to have been employed as clerk by the Spanish commandant, deponent also recognizes the signature of Olivier Devezin on said act, which is well known to deponent, as he is personally acquainted with sd. witness and has frequently seen him write and sign his name. No papers whatsoever, relative to the lands claimed by the Macartys in Attakapas, have been found in deponent's office with the exception of a declaration of Catherine Baudouin, Widow Etier, of which a copy has been delivered.

Deponent recollects distinctly that the late Louis De Blanc, the former Spanish commandant, declared frequently to him and to others that the Macartys were the true and just owners of the lands they claimed, and he mentioned particularly the lands on the Vermillion.

P. BRIANT.

Sworn and subscribed to before me at my office in the town of St. Martinville (Parish of St. Martin) this tenth day of October in the year of our Lord one thousand eight hundred and thirty one.

FERGUS FUSELIER,
Justice of the Peace in and for the Parish of St. Martin.

Translated on page

Jait recu de Monsieur de Macarty la somme de cent vingte huit piastre pour autant qu'ils devoit pour les chemins de collet travaux de plaque mine à la nouvelle Orléans le 7 Mars 1788.

BERARD,
Sindic.

Translated on page

Dans l'estimation des biens faite pour la contribution aux travaux de la fourche les biens ont été portées a 12 pes l'arpent, et d'après le relevée général des biens il a été statué que l'on fourniroit un homme par 1950 pes de biens. Pour les personnes qui n'ont pas fourni, le travail a été fixé a 5re par jour ce qui à raison de 55 jours qu'à decré l'ouvrage, fait 33 pes par homme dû.

[No. 6.] Monsieur Macarty Doit
Pr. 246 arpens de terre à 12 pes=2952 pes=1. ½ troine
Pour le dit homme et demi, quarante neuf piastres et quatre escalins - - - - - - - - - - - - 49.=4
Le présent veritable sauf erreur.

PHILIPPE DU CLOLLANGE,
Depositaire du Public.

Attakapas le 27 Aout 1797.
Vte. par moy Commandt.

DE BLANC.

1009.

Recu de Monsieur Macarty la somme de trente piastres et sex escalins pour le montant de cent quarante six arpens de face de terre situé au Atakapas pour les frais des traveaux de la fourche, il c'est refusé de payer un negre et demi dont il estait tacsée nannayant point dant le poste.

pr. MR. DUCLOLLANGE.
f. S. SAGROUE.

Nelle. Orléans le 19 Fer. 1797.

Jai reçu de Mons. de Macarty dix huit piastres et six escalins pour solde du compte porte en l'autre part Nelle. Orléans le 24 7bre. 1797.

PHILIPPE DU CLOLLANGE.

Monsieur de Macarty, pour sa quote part dans le second payement de la fourche, pour 246 arpens de terre, estimés à 12 pes faisant 2952 pes. valeur estimative, la [No. 7] contribution faite à raison de 35 d. par 100 pes. doit dix piastres et trois escalins, cy pes. 10. 3 ns.

Le présent véritable sauf erreur, Attakapas le 15 Avril 1800.

PHILIPPE DU CLOLLANGE,
Depositaire.

Reçu le montant de l'autre part le 3, 8bre. 1800.

f. L. LAGROUE.

Recordd. folio 335 Attakapas Record Book.

Taxes assessed since the admission of Louisiana as a State into the Union, on certain lands on Bayou Vermillion in Attakapas, claimed under Spanish concessions by J. B. Macarty, and his three children Barthelemy Macarty, Edmund Macarty and Celeste Macarty wife of Paul Lanusse.

Extracted from the tax-lists of the parishes, preserved in the office of the Treasurer of the State.

	Whose claims.	On what water course situated.	Number of arpents front of the bayou.	Appraised value.	Taxes assessed.
1812.	Estate of J. B. Macarty	Bayou Vermillion	164	$8200	$24 60
	Barthelemy Macarty	"	40	2000	6
	Edmund Macarty	"	40	2000	6
	Paul Lanusse	"	40	2000	6
1813.	Estate of J. B. Macarty	"	164	8200	24 60
	Barthelemy Macarty	"	40	2000	6 00
	Edmund Macarty	"	40	2000	6
	Paul Lanusse	"	40	2000	6
1814.	Estate of J. B. Macarty	"	164	6560	19 68
	Barthelemy Macarty	"	40	1600	4 80
	Edmund Macarty	"	40	1600	4 80
	Paul Lanusse	"	40	1600	4 80

Whose claims.	On what water course situated.	Number of arpents front of the bayou.	Appraised value.	Taxes assessed.
1815. In 1815 no specific tax lists were returned to the office of the Treasurer of the State, but only a summary of the taxes assessed.				
1816. In that year the Macarty claims were not assessed.				
1817. As in 1816.				
1818. The tax list of the parish of St. Martin, to which these lands then belonged, is wanting.				
1819. No specific tax list was sent to the office of the Treasurer, but only a summary of the taxes assessed.				
1820. Estate of J. B. Macarty	"	164	$6500	$15 25
Barthelemy Macarty	"	40	1600	4
Edmund Macarty	"	40	1600	4
Paul Lanusse	"	40	1600	40
1821. Estate of J. B. Macarty	"	164	8200	19 27
Barthelemy Macarty	"	40	2000	4 70
Edmund Macarty	"	40	2000	4 70
Paul Lanusse	"	40	2000	4 70
1822. Estate of J. B. Macarty	"	164	8200	18 04
Barthelemy Macarty	"	40	2000	4 40
Edmund Macarty	"	40	2000	4 40
Paul Lanusse	"	40	2000	4 40
1823. The parish of St. Martin was this year divided into two parishes, one of them preserving the name of St. Martin the other receiving that of Lafayette. The Macarty claims do not appear on the tax list of the latter.				
1824. Paul Lanusse	"	40	2000	4 80
1825. The Macarty claims do not appear on the tax list of the parish of Lafayette.				
1826. As in 1825.				
1827. As in 1825.				
		Superficial arpents.		
1828. Estate of J. B. Macarty	"	7056	3528	10 94
Barthelemy Macarty	"	3200	1600	4 96
Edmund Macarty	"	3200	1600	4 96
Celeste Macarty (widow of Paul Lanusse)	"	3200	1600	4 96
1829. Estate of J. B. Macarty	"	7056	26465	36 40
Barthelemy Macarty	"	3200	12000	16 80
Edmund Macarty	"	3200	12000	16 80
Celeste Macarty (widow of Paul Lanusse)	"	3200	12000	16 80
1830. The tax list of the parish of Lafayette has not yet been received at the office of the Treasurer.				

I hereby certify that the foregoing is a correct and faithful extract from the tax-lists of the parishes, preserved in my office—showing all the taxes assessed since 1812 on certain lands claimed by J. B. Macarty and his children *on Bayou Vermillion.*

I further certify that no tax-lists of the parishes, anterior to 1812 are preserved in my office, nor, as far as I know in any other office of the State.

F. GARDÈRE
State Treasurer.

New Orleans July 14, 1831.

STATE OF LOUISIANA,
Parish of Orleans:

Affidavit.

Louis Moreau Lislet, attorney and counsellor of law, residing in the city of New Orleans, being duly sworn, deposes, that he was personally acquainted with James White Esq. deceased, and is acquainted with G. W. Morgan at present sheriff of the parish of Orleans that he knows their signature, having often seen them write and sign their names, and that he recognizes their signatures [98] to the 3 receits of taxes, annexed to this affidavit, as true and genuine, said receits will be specified in order to be promptly identified.

I. A receit for $4 28, assessed on 40 arpents of land front of Bayou Vermillion, owned by *Edmond Macarty.* Said receit is dated March 16 1807, and signed on the back, Jas White.

II. A receit in the French language, the translation of which follows:

Mr. Macarty owes for his land thirty six dollars, and 97 cents, as taxes for the year 1807.

Paid (Signed) JAMES WHITE,
Parish Judge.

III. A receit which will be transcribed:

Received of *Col. J. B. Macarty* thirty six dollars 87 cents for Jas. White Esq. Judge of the parish of Attakapas.

(Sigd.) GEORGE W. MORGAN,
Territorial Treasurer.

New Orleans 22d Sept. 1808.

Deponent further says that it is to his knowledge that in 1807 George W. Morgan was treasurer of the territory of Orleans and James White Parish Judge of the Parish of Attakapas or St. Martin, which then embraced the whole of the former Spanish post of Attakapas, but has since been subdivided.

Deponent further states that since the cession of Louisiana to the United States the territorial as well as the State-taxes were always distinctly assessed and collected in each individual parish, and that

under the territorial government the parish judge was collector of taxes, said judge collected and gave receits only for the taxes due on property situated in his parish and therefore the above mentioned receits are only for the taxes paid on lands in Attacapas.

Deponent further says that he knows the hand writing of F. Gardère, the present treasurer of the State, of L. T. Caire, a notary public in the city of New Orleans and of Gallien Préval, judge of the city court of New Orleans he being personally acquainted with them and having often seen them write and sign their names and he recognizes their signature to the following documents as true and genuine viz:

An extract from the tax-lists of the State, showing the taxes paid since the admission of Louisiana into the Union on the tracts of land claimed by the family Macarty on Bayou Vermillion, dated New Orleans July 14th 1831 and signed by F. Gardère.

A certified copy of the ratification of sale of a tract of land on Bayou Vermillion, sold by Antoine Boudousquié to J. B. Macarty —signed and dated New Orleans July 1st 1831. L. T. Caire, Not. Pub:

The affidavits of Theodore Macarty and of Celestin Boudousquié, sworn to and subscribed on Nov. 16th 1831 & signed by Gallien Préval, Judge of the City Court.

(Signed) MOREAU LISLET.

Sworn to & subscribed before me New Orleans November 22d 1831.

(Signed) GALLIEN PRÉVAL,
Judge.

Mr. McCarty's tax on Vermillion—

Edmond Macarty	arpens de face 40	Estimation 1000	Repartition $ cts. 4 28

Recu le montant des mains de Mr. P. Lanusse, Nelle. Orleans 16 Mars 1807 for year 1807.

Pour JUGE WHITE,
PATH. WALE.

Recd. the within four dollars twenty-eight cents, by Mr. Estin.
JAS. WHITE.

Mr. Macarty doit pour sa terre trente six piastres, & quatre vingt dix sept sous, taxe de l'année 1807.

Payé JAMES WHITE, *Ph. J.*

Received of Col. J. B. Macarty thirty-six dollars 87 cents for Jas. White Esquire Judge of the Parish of Attakapas.

GEORGE W. MORGAN,
Terrl. Treasr.

New Orleans 22d September 1808.

Recensement Général et etat de Recette Relatifs aux besoins de L'Eglise des Attakapas conformement a la délibération Paroissiale du premier Avril.

"General List of the Property of the Inhabitants of Attakapas "and state of the Receits, relating to the wants of the church of "Attakapas—conformably to the deliberation of the Parish of the "first of April 1781."

General List of the Property of the Post of Attakapas.

Recensement Général du Poste des Attakapas.

Names of the families. Noms des familles.	Number of individuals. Nombre des individus.				Number of animals. Nombre des bestiaux.	Arpents of land. Arpens de terre.
Barthelemy Grevemberg	ps.3	7		4	50	20
Pradié		3	½	12		
Ozenne	1	6	½	16	20	15
Louis Boulai		3		2	11	"
Charles Préjean	1	2	½	7	26	4
Bazile Landry	1	1	½	3	27	4
Simon Proussard	6	4		7	160	18
Boudros	1	1	½	1	28	5
Victor Blanchard	1	1	"	3	25	4
Freme Robichot	4	6		3	120	13
Jn. Bte. Broussard	5	7	½	9	150	10
Jn. Bte. Cornié	2	3	"	8	56	4
F'çois Broussard	8	1	"	13	170	49
Baptiste Labaure	1	4		4	72	20
Aman Broussard	7	4		6	150	58
Paul Trahan	3	3		6	64	26
Athanas Trahan	1	5		4	36	6
Jacques Faustein	3	3		7	64	26
Germain Trahan	2	6	½	2	57	20
Joseph Broussard	4	1		4	88	25
Rene Trahan	9	3		7	180	80
Charles Duhon	3	½		7	80	
Michel Man	6	3		6	121	55
Pierre Joseph, Etranger				1	"	
Jn. Bap'te Hébert	3	7		7	54	50
Firmin Braud	6	4	½	9	153	25
Joseph Hébert	2	2		7	52	4
René Le Blanc	3	1	½	4	66	20
Janis Trahan	3	1	"	3	86	

Names of the families. Noms des familles.	Number of individuals. Nombre des individus.				Number of animals. Nombre des bestiaux.	Arpents of land. Arpens de terre.
Claude Duons	2	6	½	4	76	
Michel Trahan	4	6		4	106	26
Anselme Tibaudot	3	6		2	78	26
Augustin Broussard	4	½		9	66	40
Bein Argrans, Anglais	1	1		8	11	12
Benjamin, Anglais	5	½		11	8	
Pierre Gayar	1			1	27	
Firmin Landry	3	6		8	38	60
Aman Landry	3	4		5	58	36
Jean Dugas	4	4		7	76	46
Pierre Dugas	7	7		6	169	50
René Broussard	4	6		6	110	20
Amand Dugas	3	½		2	10	
Mme. Maison, en ville	1	3	½			40
Dios Rose	1	1	½		14	20
Claude Beausoleil	6	1	½	7	150	20
Joseph Broussard	4	7	½		100	40
Charlit Dugas	1	3	½			40
F'çois Louvier	1	5	½	2	18	28
Pierre Dabby	1	3	½			40
Joseph Landry	1	4	½	3	22	20
Dubucled	1	2	2	7	312	30
Jn. Dartez	1	3		3	25	10
100 F'çois Grevemberg	3	5	½	2	82	20
100 Joseph Hebert	1	4		9	23	10
Anselme Martin	1	1	½	3	20	10
Jh. Christophe	4			2	11	"
Maturin Manucli	6			3	12	6
Bapt. Prévost	7			2	20	3
Jn. Louis Bonin	2	4		6	50	14
Jh. Prince	6	½		2	20	
Veuve Bonin	2			2	5	
Pane Bonin	2	3		3	50	14
Antoine Bonin	6	½		3	14	3
Antoine Martin en ville	5				17	
Made. Delahoussaye	5					142
Karling	57			8	150	10
Jn. B'te Grevenberg	25			13	52	10
Gonsoulin	10	5		12	244	48
Charles Dugas	7	1		7	140	56
La Nuit		4	½	1	2	12
Jh. Broussard	7	5		12	174	32
Jean Huval	2	4		4	50	16

Names of the families. Noms des familles.	Number of individuals. Nombre des individus.				Number of animals. Nombre des bestiaux.	Arpents of land. Arpens de terre.
Benoit St. Claire	4	5		7	100	24
Cher. Devilliers	6					20
Cavellier	5	2			109	40
Antoine Lanclos	2	½		9		
St. Marc	2	2	½	15	26	24
Ve. Grevemberg	10	2	½	28	142	124
Louis Grevemberg	2	1		1	40	20
Augustin Grevember	2	1		6	15	40
Melle. Perrini Grevemberg	1	½		"	30	
Vallière	4	½			15	"
Pain	2	3			67	
Mad. Delahoussaye	19	6	½	26	350	192
Degruy	13	4		38	200	147
Joseph Prevost	4	½		4	100	12
Ve. Prevost	2	7	½	7	64	12
Nicolas Prevost	6	1		6	148	20
Labée fils	3	6	½	9	60	40
Labée père	3	3		8	50	38
Veuve Découx	3	2	½	13	50	32
Labbée fils, pour Perrique	"	4	½		16	
Vincent Barras	3	½		01	44	32
Antoine Barra		7	7	1	24	
F'çois Décuir	2	4	½	10	51	12
Augustin Bujean	1	5	½	5	19	24
Bérard	9	4	½	22	200	52
Antoine Patin	4	3		12	100	12
Moreau	1	4	½	4	28	12
Martin Soudrie	2	5		22	40	12
[101] Pierre Broussard	11	3	½	11	300	16
Louis Judice	3	½				12
Philippe Wilse	2	3		10	45	12
Silvain Broussard	5	4		10	125	22
Ve. Berbinot	4	2		6	92	22
Charles Guilbeaud	4	3		7	96	22
Michel Bernard	7	½		10	170	22
Paul Thibaudot	3	7		9	80	22
Olivier Thibaudot	7	6	½	11	180	32
Claude Martin	6	1		13	130	32
Joseph Babin	2	2	½	8	40	22
Joseph Martin	4	2	½	10	100	12
Michel Doucet	3	4	½	8	70	24
Joseph Doucet	2	½		6	40	12
Baptiste Jemer	3	7	½	10	90	12

Names of the families. Noms des familles.	Number of individuals. Nombre des individus.				Number of animals. Nombre des bestiaux.	Arpents of land. Arpens de terre.
Joseph Castille	1	4		7	15	20
Amand Thibodot	3	1	½	9	70	14
F'çois Guilbeaud	2	4	½	6	50	17
Simon Le Blanc	4			11	80	22
Ducrest	3	3	½	18	30	48
Joseph Wisse	2	1	½	1	40	20
Bapte. Lalonde	1	7		4	40	10
Ledée	48	2		19	1200	160
Mr. Le Cher. Declouet	19			83	350	160
Pierre Nézat	6	7		14	130	52
Aman Préjean	4	½		10	70	36
Marin Préjean	1	1	½	2	20	12
Augustin Boudreau	1	6		4	40	5
Marin Mouton	1			4	20	5
Jean Mouton	4	1	½	10	100	10
Jean Guilbeaud	2	1	½	2	50	10
Lisette Négrésse libre		5	½	4	10	6
Guillaume Mulâtre	1	7		9	39	6
Jn. Charles Hebert	1	4	½	4	30	10
Anselme Mulâtre	1			2	20	6
Zenon Mulâtre		2		1	5	
Veuve Bordas	1	4	½	4	30	10
Veuve Savoye	1	5		7	30	10
Fuselier De Laclaire	42	5		48	1075	94
Stix Nègre libre		7	½	1	25	
F'çois Collet	2	2		4	50	10
Macarty	22	2		9	410	216
Boutté	13	1		60	235	80
Judice	1	3	½			40
Delahoussaye	2	6	½			80
Vve. Borelle	13	1		24	150	200
Porel	29	7		20	700	134
Made. Grégoire	2	6	½			80
Collet	1	3	½			40
Jh. Fiton Mul. libre						
Leveillé, nègre: libre	2	6		8	30	40
Andre idem	2	2		7	16	40
Claude Broussard pes	673	3	½			
				1115	13582	4509

1819.

RECAPITULATION.

Individus (Individuals)	1115
Bestiaux (Animals)	13582
Arpents de terre (Arpents)	4509
	19206

a 3 Ss. 6 des Ps. 6 72. 2 Es.

La différence de P. 1. 1. ½ qui se trouve de cette somme à celle de la recette prorient des parties rompues.

STATE OF LOUISIANA,
Parish of St. Martin:

I the undersigned Judge of the Parish of St. Martin, do hereby certify that the foregoing and within is a true copy from the original on file and of record in my office, and that the said original is among the records of the former Spanish commandants of Attakapas and made part of said records.

In testimony whereof I have hereunto set my hand and affixed the seal of my office at St. Martinsville on this twenty-fourth day of August one thousand eight hundred and thirty one.

[SEAL] P. BRIANT,
Parish Judge.

Three receits for taxes paid under the Spanish government by J. B. Macarty, filed by him in the Land Office at Opelousas.

Translation.

NB. The original copy, certified by the Register, is on page 219.

Attakapas Rec. Book p. 334.

I. Mr. de Macarty owes for his share in the payments made by the post of Attakapas, according to the resolutions of the commandant and the syndics of the post for 246 arpents at 5 6. $13.50.
Received the above amt. April 18 1794.

(Signed) BERARD,
Syndic.

Approved by me, the commandant of the post.

(Signed) FRAN. CASA Y LUENGO.

II. In the general estimate of property made for the purpose of assessment for the works on Bayou Lafourche, lands have been appraised at $12 the arpent, and the general list of property having made out, it has been determined that for every $1950 of property one labourer should be furnished, and for the persons who have not furnished a labourer, the daily wages of such have been rated at five bits per day, which for 55 days, during which the work has been

continued, amounts to $33 per labourer. Mr. Macarty owes for 246 arpents at $12 one labourer and a half, equal to $49.50.

The present account is correct.

(Signed) PHILIPPE DUCLOLLANGE,
Depositary of the Public.

Attakapas Aug. 27, 1797.

Approved by me the commandant.

(Signed) DE BLANC.

Received of Mr. Macarty thirty dollars and two bits for the amount of one hundred and forty six arpents of land, situated, in the post of Attakapas, for the works on Lafourche. He has refused to pay one negro and a half with whom he was charged, having none in the post.

(Signed) F. L. LAGROUE.

New Orleans 7bre 19, 1797.

Received of Mr. Macarty eighteen dollars and six bits for the balance due on the above account. New Orleans Dec. 24, 1797.

(Signed) PHILIP DUCLOLLANGE.

III. Mr. Macarty owes for his share in the second payment made for the Lafourche works, for 246 arpents of land at $12, amounting to $2952, appraised value, the contribution being at the rate of 35 cents for one hundred dollars—ten dollars and three bits. $10.37½.

The present account correct errors excepted.

(Signed) PHILIP DUCLOLLANGE.

Attakapas April 16, 1800.

Received the above mentioned amount 8ber 3, 1800.

(Signed) F. L. LAGROUE.

NB. (Here follows the certificate of the Register of the Land Office.)

Don Monsr. de Macarty pour sa cote part aux frais faits par le poste des Attakapas d'après les délibérations des M. M. Les commandant et syndic du poste. Pour 246 arp de terre a 5e 6 18 ps. 4 R½.

Pour acquit le 18 Avril 1794.

BERARD, *Sindic.*

Vu par nous Comd du dit poste.

No. 5.

FRANCO CASA Y LUENGA.

First deliberation of the inhabitants of Attakapas concerning the Lafourche-canal.

Translation. (The original is on page 221.)

This tenth day of September of the year one thousand seven hundred & ninety five, We, Don Frco. Casa y Luengo, Lieutenant of Infanterie in the regiment of Louisiana, and civil and military commandant of the Attakapas, having called a meeting of the syndics of this post with their assistants—in order to deliberate concerning the place where a road ought to be made to the capital, & concerning the least burthensome means to make said road, the said syndics have reported to us, that the respective inhabitants of their quarters demanded unanimously, that the road be made by La Fourche des Chetimaches. A different opinion has been reported only by Mr. Pre. Négat, who declared that his quarter wished to work on Plaquemine with the inhabitants of Opelousas—and by Mr. Francois Carmouche, who has also told us that the greatest part of his quarter had decided in favour of Plaquemine. The same Syndics, voting for Lafourche aux Chetimaches, deliberating on the necessary means, for the performance of said canal, have determined, that without loss of time, an exact list of all the property, situated in this post shall be made—that slaves whatever may be their age and sex., shall be estimated at two hundred $ cattle and mares of one year and upwards at four dollars, and an arpent of land at twelve dollars. Of the reported property of the different quarters a general mass will be made, which will be divided in such a manner, that each furnishing at the rate of a certain sum of money, the whole number of workmen will be two hundred.

It is agreed that those, who hire men have to choose persons capable of working—that New Town (Nouvelle Iberie) shall be the place of meeting for their departure on the twentieth of October next—that a general inspection shall then be held, and that every workman, judged not capable, shall be sent back, & he who has sent him, be compelled to furnish another—said inspection shall be held by Mr. Olivier Devezin, chosen by the generality of syndics, to superintend and direct the whole works. Each quarter shall choose among the men, it will have furnished a man, to direct the part of the work, which will be assigned to it (the quarter)—It is moreover agreed that every workman who being at Lafourche shall be found unfit for the work, shall be sent back, and another one hired at the expence of him who furnished the first one, and this shall be ordered by the director of the works. Every one has to take with him provisions for two months and to provide himself with utensils, the necessary cordages and a pirogue (small boat canoe).

Done at the Presbytery, on the day month and year aforesaid (the original is signed) Franco. Casa y Luengo—Olivier Devezin,—Louis Delahoussaye—Nicolas Guénard—Joseph Babin—N. Rousseau—A. Fuselier—Firmin Bro—Aman Dugas—Sorrel Conta-

mine—Louis Judice fils,—François Carmouche—Juan de Toxas—Señal de Cruz—de Franco. Broussard.

STATE OF LOUISIANA,
Parish of St. Martin:

I the undersigned, Judge of the Parish of St. Martin, do hereby certify the foregoing to be a true copy from the original on file and of record in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of my office at St. Martinsville, this twenty fourth day of August in the year one thousand eight hundred and thirty one.

[L. S.] (Signed) PAUL BRIANT,
Parish Judge.

I, the undersigned, judge of the parish of St. Martin, do hereby certify that the above document being signed by Casa y Luengo, the former Spanish commandant of the post of Attakapas, who has long since left the United States and is as I believe, dead, it would be (the document) according to the laws and jurisprudence of Louisiana, considered as genuine, unless said signature were proved to be false—That however as said document is to be submitted to Congress, I have been requested by the heirs of Macarty to certify, whether said signature and (the) other signatures are true and genuine—And in compliance with said request I have no hesitation in saying that I recognize the signature of Casa y Luengo, the former Spanish commandant as true and genuine, having known him personally at Pensacola, and having frequently seen him write and sign his name. And I affirm the same and for the same reasons of the signatures of Olivier Devezin, Joseph Babin, Agricole Fuselier, Louis Delahoussaye, Sorrel Contamine, Louis Judice fils & François Carmouche.

In testimony whereof I have hereunto set my hand and affixed the seal of my office at St. Martinsville on the twenty fourth day of August eighteen hundred and thirty one.

[L. S.] (Signed) PAUL BRIANT,
Parish Judge.

Second deliberation of the inhabitants of Attakapas, concerning the Lafourche Canal.

Translation. (The original is on page 225.)

At the meeting of this twenty eighth day of January of the year of one thousand seven hundred and ninety eight, it has been decided that the general list of property, to be made for the assessment of the last payment of the Lafourche works, is unnecessary, the whole meeting being of opinion, that the old lists ought to be followed, each syndic, however, taking an account in his quarter of the persons, whose negroes and lands have either been increased or diminished. As it is impossible to gather the animals in the present

season, and as it would be injust to suspend or delay the payments on that account, the old lists are absolutely to be followed in relation to them (the animals). The syndics will present as soon as possible their notes of verification to Mr. Philippe Duclollange, who will again make the accounts at the same conditions of five per cent, as was stipulated last year by act under date of March 5th for the first accounts.

Said Duclollange being present, accepts said charge and promises to acquit himself of it faithfully and to the satisfaction of the public. The property set forth in the first general lists, will be put on the accounts, with the taxes it formerly paid. It is not necessary to make a new list, thus has it been decided by the meeting who have signed this document with us. (The original is signed) Don Louis Carlos Deblanc, civil and military commandant of this post, at the day, month and year aforesaid.

Louis Delahoussaye, Joseph Babin, Firmin Bro, A. Fuselier, F. J. Ozenne, Sorrel Contamine, Louis Judice, François Carmouche, marque ordinaire (ordinary mark of Louis Arcenaux, Pierre Arcenaux, Jean Baptiste Brousar, Aman Dugas, André Martin, Charles Potier, fr. Grevemberg, Ant Savet De Clouet, Louis de Blanc.

Parish of St. Martin.

I the undersigned, Judge of the Parish of St. Martin, do hereby certify the foregoing to be a true copy on file and of record in my office.

In witness whereof I have hereunto set my hand and affixed the seal of my office at St. Martinsville on this twenty fourth day of August in the year of our Lord one thousand eight hundred and thirty one.

[L. S.] (Signed) PAUL BRIANT,
Parish Judge.

I the undersigned, Judge of the Parish of St. Martin do hereby certify that the (preceding) document being signed by Louis De Blanc, the former Spanish commandant of the post of Attakapas, since deceased, it would be, according to the laws and jurisprudence of the State of Louisiana, considered as genuine, unless said signature were proved to be false—that however as said document is to be submitted to Congress, I have been requested by the heirs of Macarty to certify, whether said signature and (the) other signatures are true and genuine—and in compliance with said request, I have no hesitation in saying, that I recognize the signature of Louis De Blanc the former Spanish commandant, as true and genuine, having known him personally and having frequently seen him write and sign his name.—And I affirm the same and for the same reasons of the signatures of Louis Delahoussaye, Joseph Babin, A. Fuselier, Js. F. Ozenne, Sorrel Contamine, Louis Judice, Francois Carmouche, André Martin, Charles Potier, Fs. Grevemberg & Declouet.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office at St. Martinsville on the twenty fourth day of August of the year one thousand eight hundred and thirty one.
[L. S.] (Signed) PAUL BRIANT,
Parish Judge.

François César Boutté's deposition. (Translated on p. 31.)

François César Boutté déclare qu'il connait bien une terre située sur le bayou ou la rivière Teche au quartier dit du chicot noir, vendue par J. B. Macarty à N. Prevost. Le témoin est établi depuis l'année 1772 près de la Nelle. Iberie & a environ deux lieues de la limite supérieure de la terre de Macarte dont il vient d'être fait mention. Il a vu V. Lesassier s'établir sur cette terre en l'année 1775, faire des clotures ou barrières & construire une maison & des cabanes à nègres sur la rive droite ou occidentale. Lesassier y a cultivé de l'indigo pendant plusieurs années; lorsqu'il y résidait il a dit souvent au témoin qu'il était propriétaire, de quatre vingts arpens de face sur chaque bord du bayou; qu'il avait donné en échange de cette propriété des terre ssituées, autant que le témoin s'en rappelle, à la grosse isle quartier du Vermillion. Lesassier fesait couper du bois sur la rive gauche ou orientale; le bois employé à la construction de sa maison & des cabanes fut pris ainsi que celui des clotures sur la rive orientale. Vers l'année 1780 Lesassier vendit sa terre a J. B. Macarty; le témoin a entendu dire par Lesassier à cette époque qu'il avait vendu à Macarty quatre-vingts arpens de chaque côté du bayou Têche. En 1780 ou 1781, Macarty en prit possession en y plaçant un blanc & quatre ou cinq nègres qui y restèrent l'espace de cinq à six ans. Macarty avait une vacherie sur cette terre. Il fit faire un défriché sur la rive orientale où ses nègres cultiverent aussi du maïs pendant plusieurs années, ils cultivèrent aussi du mais sur la rive occidentale. Lorsque Macarty retira ses nègres il laissa subsister toutes les batisses et les clotures. Le témoin croit qu'au moins huit ans après le depart des nègres on voyait encore les ruines des batisses & quèlques portions des clotures. Peu de temps après avoir pris possession, c'est à dire en 1780 ou 1781 Macarty fit faire de chaque côté du bayou têche une *pavure* ou petit quai pour faciliter la traverse du bayou, des clotures et aussi un pont sur un petit bayou qui passe à travers la dite terre du chicot noir sur la rive occidentale du bayou Teche. T Macarty qui residait habituellement à la Nelle. Orléans ou ses environs est venu visiter souvent sa propriété du chicot noir. Le témoin ayant annoncé l'intention du couper des cypres sur la rive gauche ou orientale un nommé St. Marc Darby qui était probablement alors agent de J. B. Macarty ne voulut pas permettre d'en couper sans avoir obtenu le consentement de Macarty. Il n'y avait pas de cypres sur la rive occidentale. Les deux pavures ou quais servaient principalement à faire passer les chevaux & boeufs de tire de Macarty d'un bord du bayou Teche à

l'autre suivant que les traveaux l'exigeaient. Sous le gouvernement Espagnol il arrivait frequemment de vendre des terres et des esclaves sans passer aucun acte; quelque fois on passait des actes sous signatures privées; d'autres fois aussi on en passait devant le commandant. St. Marc Darby est mort depuis long-temps.

T. Ce pont existe encore et porte le nom de Macarty. Le témoin à toujours entendu parler de la terre ci dessus désignée comme d'une propriété de Macarty. Elle était généralement connue aux Attakapas comme lui appartenant. Les habitans même les plus anciens la désignaient souvent par le nom de Macarty. C'est vers l'année que St. Marc Darby ne voulut pas permettre au témoin de couper des cypres ainsi qu'il l'a déclaré plus haut—à l'avant dernière ligne de la seconde page lisez dix Sept cent quatre vingt au lieu de 1796.

FO CÉSAR BOUTTÉ.

Subscribed and sworn to before me at the dwelling house of Mr. Fransway Boutté in the parish of St. Mary this 18th day of September 1824.

JOSIAH FRENCH,
Justice of Peace acting in and for the Parish of St. Martin.

STATE OF LOUISIANA,
Parish of St. Martin:

I Paul Briant parish judge in and for the parish of St. Martin do hereby certify that Josiah French Esq. whose name is subscribed at the foot of the foregoing instrument of writing is duly commissioned and sworn justice of the peace in and for the aforesaid parish, and that faith and credit is due and ought to be given to his signature as such.

I certify also that François César Boutté whose name is signed to the said instrument of writing is a man of good moral character.

In testimony whereof I have hereunto set my hand at St. Martinsville this twenty seventh day of September Anno Domini one thousand eight hundred and twenty four.

(Sigd.) P. BRIANT,
Parish Judge.

Philippe Boutté's deposition. (Translated on p. 23.)

Philippe Boutté déclare qu'il connait bien une terre située sur le Bayou ou la rivière Teche au quartier vulgairement nommé Chicot Noir, vendue par J. B. Macarty a N. Prévost. Le témoin est venu resider aux Attakapas près la Nouvelle Ibérie en 1772. Il a résidé pendant environ trente huit ans à peu près à deux lieues de la terre de Macarty. Il a vu V. Lesassier s'établir sur cette terre en 1775, faire des clotures ou barrières & construire une maison et des cabanes à nègres sur la rive droite ou occidentale. Lesassier y a cultivé de l'indigo pendant plusieurs années. En 1776 le témoin

In testimony whereof, I have hereunto set my hand and affixed the seal of my office at St. Martinsville on the twenty fourth day of August of the year one thousand eight hundred and thirty one.
[L. S.] (Signed) PAUL BRIANT,
Parish Judge.

François César Boutté's deposition. (Translated on p. 81.)

François César Boutté déclare qu'il connait bien une terre située sur le bayou ou la rivière Teche au quartier dit du chicot noir, vendue par J. B. Macarty à N. Prevost. Le témoin est établi depuis l'année 1772 près de la Nelle. Iberie & a environ deux lieues de la limite supérieure de la terre de Macarte dont il vient d'être fait mention. Il a vu V. Lesassier s'établir sur cette terre en l'année 1775, faire des clotures ou barrières & construire une maison & des cabanes à nègres sur la rive droite ou occidentale. Lesassier y a cultivé de l'indigo pendant plusieurs années; lorsqu'il y résidait il a dit souvent au témoin qu'il était propriétaire, de quatre vingts arpens de face sur chaque bord du bayou; qu'il avait donné en échange de cette propriété des terre ssituées, autant que le témoin s'en rappelle, à la grosse isle quartier du Vermillion. Lesassier fesait couper du bois sur la rive gauche ou orientale; le bois employé à la construction de sa maison & des cabanes fut pris ainsi que celui des clotures sur la rive orientale. Vers l'année 1780 Lesassier vendit sa terre a J. B. Macarty; le témoin a entendu dire par Lesassier à cette époque qu'il avait vendu à Macarty quatre-vingts arpens de chaque côté du bayou Têche. En 1780 ou 1781, Macarty en prit possession en y plaçant un blanc & quatre ou cinq nègres qui y restèrent l'espace de cinq à six ans. Macarty avait une vacherie sur cette terre. Il fit faire un défriché sur la rive orientale où ses nègres cultiverent aussi du maïs pendant plusieurs années, ils cultivèrent aussi du maïs sur la rive occidentale. Lorsque Macarty retira ses nègres il laissa subsister toutes les batisses et les clotures. Le témoin croit qu'au moins huit ans après le depart des nègres on voyait encore les ruines des batisses & quèlques portions des clotures. Peu de temps après avoir pris possession, c'est à dire en 1780 ou 1781 Macarty fit faire de chaque côté du bayou têche une *pavure* ou petit quai pour faciliter la traverse du bayou, des clotures et aussi un pont sur un petit bayou qui passe à travers la dite terre du chicot noir sur la rive occidentale du bayou Teche. T Macarty qui residait habituellement à la Nelle. Orléans ou ses environs est venu visiter souvent sa propriété du chicot noir. Le témoin ayant annoncé l'intention du couper des cypres sur la rive gauche ou orientale un nommé St. Marc Darby qui était probablement alors agent de J. B. Macarty ne voulut pas permettre d'en couper sans avoir obtenu le consentement de Macarty. Il n'y avait pas de cypres sur la rive occidentale. Les deux pavures ou quais servaient principalement à faire passer les chevaux & boeufs de tire de Macarty d'un bord du bayou Teche à

l'autre suivant que les traveaux l'exigeaient. Sous le gouvernement Espagnol il arrivait frequemment de vendre des terres et des esclaves sans passer aucun acte; quelque fois on passait des actes sous signatures privées; d'autres fois aussi on en passait devant le commandant. St. Marc Darby est mort depuis long-temps.

T. Ce pont existe encore et porte le nom de Macarty. Le témoin à toujours entendu parler de la terre ci dessus désignée comme d'une propriété de Macarty. Elle était généralement connue aux Attakapas comme lui appartenant. Les habitans même les plus anciens la désignaient souvent par le nom de Macarty. C'est vers l'année que St. Marc Darby ne voulut pas permettre au témoin de couper des cypres ainsi qu'il l'a déclaré plus haut—à l'avant dernière ligne de la seconde page lisez dix Sept cent quatre vingt au lieu de 1796.

FO CÉSAR BOUTTÉ.

Subscribed and sworn to before me at the dwelling house of Mr. Fransway Boutté in the parish of St. Mary this 18th day of September 1824.

JOSIAH FRENCH,
Justice of Peace acting in and for the Parish of St. Martin.

STATE OF LOUISIANA,
Parish of St. Martin:

I Paul Briant parish judge in and for the parish of St. Martin do hereby certify that Josiah French Esq. whose name is subscribed at the foot of the foregoing instrument of writing is duly commissioned and sworn justice of the peace in and for the aforesaid parish, and that faith and credit is due and ought to be given to his signature as such.

I certify also that François César Boutté whose name is signed to the said instrument of writing is a man of good moral character.

In testimony whereof I have hereunto set my hand at St. Martinsville this twenty seventh day of September Anno Domini one thousand eight hundred and twenty four.

(Sigd.) P. BRIANT,
Parish Judge.

Philippe Boutté's deposition. (Translated on p. 23.)

Philippe Boutté déclare qu'il connait bien une terre située sur le Bayou ou la rivière Teche au quartier vulgairement nommé Chicot Noir, vendue par J. B. Macarty a N. Prévost. Le témoin est venu resider aux Attakapas près la Nouvelle Ibérie en 1772. Il a résidé pendant environ trente huit ans à peu près à deux lieues de la terre de Macarty. Il a vu V. Lesassier s'établir sur cette terre en 1775, faire des clotures ou barrières & construire une maison et des cabanes à nègres sur la rive droite ou occidentale. Lesassier y a cultivé de l'indigo pendant plusieurs années. En 1776 le témoin

fut fabriquer de l'indigo sur la dite terre du Chicot Noir pour Lesassier. Le témoin a entendu dire souvent par Lesassier qu'il était propriétaire de quatre vingts arpens de face de chaque coté du bayou; qu'il avait donné en échange de cette propriété des terres situées à ce qu'il croit à la grosse isle quartier du Vermillion. Lesassier fesait couper du bois sur la rive gauche ou orientale; le bois employé à la construction de sa maison et des cabanes fut pris, ainsi que celui des clotures sur la rive orientale. Vers l'année 1780, Lesassier vendit sa terre à J. B. Macarty; le témoin a entendu dire par Lesassier à cette époque qu'il avait vendu à Macarty quatre vingts arpens de chaque côté du Bayou Teche. En 1780 ou 1781, Macarty en prit possession en y plaçant un blanc et quatre ou cinq nègres qui y restèrent l'espace de cinq a six ans. Macarty avait une vacherie sur cette terre. Il fit faire un défriché sur la rive orientale ou ses nègres cultivèrent du maïs pendant plusieurs années; ils cultivèrent aussi du maïs sur la rive occidentale. Le défriché sur la rive orientale fut fait peu de tems après l'arrivée des nègres. Lorsque Macarty retira ses nègres il laissa subsister toutes les batisses et les clotures. Au moins huit ans après le depart des nègres qui a eu lieu vers 1786 on voyait encore les ruines des batisses et quelques portions des clotures. Peu de temps après avoir pris possession, c'est à dire en 1780 ou 1781 Macarty fit faire de chaque côté du Bayou Teche une *pavure* ou petit quai pour faciliter la traverse du bayou, des clotures et aussi un pont sur un petit bayou qui passe à travers la dite terre du Chicot Noir sur la rive occidentale du Bayou Teche; ce pont existe encore et porte le nom de Macarty. Macarty qui résidait habituellement à la Nelle. Orleáns ou dans ses environs est venu visiter souvent sa propriété du Chicot Noir. Le témoin se rappelle que vers l'annee 1780 ou 1781 St. Marc Darby résidant aux Attakapas ne voulut pas permettre à François César Boutté frère du deposant de couper des cypres sur la rive orientale de la terre du Chicot Noir sans la permission de J. B. Macarty. Il n'y avait pas de cypres sur la rive occidentale. Les deux pavures ou quais faits par ordre de Macarty servaient principalement à faire passer ses chevaux & bœufs de tire d'un bord du Bayou Teche à l'autre suivant que les travaux l'exigeaient. Sous le gouvernement Espagnol il arrivait fréquemment de vendre des terres et des esclaves sans passer aucun acte; quelquefois on passait des actes sous signatures privées. Le déposant a lui même acheté à differentes époques & payé comptant quatre terres sans passer aucun acte sous signatures privées ou autrement. La terre du Chicot Noir était généralement connue des habitants des Attakapas comme la propriété de Macarty. La plupart d'entr'eux la désignaient le plus souvent par le nom de Macarty. V. Lesassier était encore sur la terre du Chicot Noir lorsque les nègres de Macarty y sont arrivés.

(Signed) PP. BOUTTÉ.

Subscribed and sworn to before me at the dwelling house of Mr. Fransway Boutté in the Parish of St. Mary this 18th day of September 1824.

JOSIAH FRENCH,
Justice of the Peace acting in and for the Parish of St. Martin.

STATE OF LOUISIANA,
Parish of St. Martin:

I, Paul Briant, Parish Judge in and for the Parish of St. Martin do hereby certify that Josiah French, Esq. whose name is above subscribed is duly commissioned and sworn justice of the peace in and for the aforesaid parish, and that faith and credit is due and ought to be given to his signature as such.

I certify also that Philippe Boutté who name is above signed, is a man of good moral character.

In testimony whereof I have hereunto set my hand at St. Martinsville this twenty seventh day of September Anno Domini one thousand eight hundred and twenty four.

(Signed) P. BRIANT,
Parish Judge.

Claude Frilot's deposition. (Translated on p. 35.)

Claude Frilot déclare qu'il est venu resider près de la Nelle. Ibérie, aux Attakapas, vers l'année 1776. Il connait la terre du chicot noir vendue par V. Lesassier à J. B. Macarty & par ce dernier à N. Prévost. À l'arrivée du déposant aux Attakapas Lesassier cultivait déjà de l'indigo sur sa terre du chicot noir et y avait bati une maison et des cabanes à nègres. Macarty prit possession de cette terre vers 1780 ou 1781 et fit faire peu de tems après deux pavures ou petits quais sur les bords du Bayou Teche & un pont sur un petit bayou qui traverse la terre sur la rive occidentale du Bayou Têche; ce pont existe encore ayant été raccommodé plusieurs fois, il porte encore le nom de Macarty. Lesassier n'avait pas quitté la terre du chicot noir lorsque les nègres de Macarty, y arrivèrent. Ils firent peu de tems après leur arrivée un défriché sur la rive gauche ou occidentale & y cultiverent du maïs. Ils en cultiverent aussi sur la rive droite ou occidentale. Il n'était pas nécessaire de faire des clotures sur la rive orientale pour pouvoir cultiver parceque les habitans étaient convenus entr'eux à cette époque de ne point mettre des bestiaux sur cette rive excepté en hiver. Les nègres de Macarty sont restés cinq ou six ans sur sa terre. Au moins huit ans après leur départ on voyait encore les ruines des batisses et quelques portions des barrières. On n'a point détruit les batisses ni les clotures au départ des nègres. Les *pavures* ou quais servaient principalement à faciliter aux chevaux et bœufs de tire de l'habitation le passage du bayou lorsqu'on voulait les employer à quelques travaux sur la rive orientale. Ils servaient aussi à faire traverser les bestiaux de

la vacherie pour passer l'hiver sur la rive orientale. Depuis quarante sept ans le déposant demeure près de la terre du chicot noir ou Macarty. Les habitans même les plus anciens ont pendant un grand nombre d'années désigné cette terre comme la propriété de Macarty. Sous le gouvernement Espagnol il arrivait souvent d'acheter des terres et des esclaves sans passer aucun acte. Le témoin a lui même acheté de A. Declouet & payé comptant une terre dont on ne lui a passé la vente que douze après l'acquisition & le payement & seulement depuis le changement de gouvernement. Le Bayou Teche n'est pas boisé sur les deux bords. Lorsqu'un côté est boisé l'autre vis-a-vis est en prairie. Il en est resulté l'usage presque general de se faire conceder ou d'acheter les deux rives pour pouvoir se procurer sur la rive boisée le bois de construction et de chauffage. A la dernière ligne de la première page lisez *Delahoussaye.*

CLAUDE FRILOT.

Subscribed and sworn to before me at the dwelling house of Mr. Fransway Boutté in the Parish of St. Martin this 18th day of September 1824.

JOSIAH FRENCH,
Justice of Peace acting in and for the Parish of St. Martin.

STATE OF LOUISIANA,
Parish of St. Martin:

I Paul Briant, Judge in and for the Parish of St. Martin do hereby certify that Josiah French, Esq. whose name is above subscribed is duly commissioned and sworn justice of the peace in and for the Parish of St. Martin, and that faith and credit is due and ought to be given to his signature as such.

I certify also that Claude Frilot whose name is also above signed is a man of good moral character.

In testimony whereof I have hereunto set my hand at St. Martinsville this twenty seventh day of September Anno Domini one thousand eight hundred and twenty-four.

P. BRIANT,
Parish Judge.

Ratification of Lesassier's sale to Macarty. (Translated on p. 37.)

Aujourdhuy douzeme jour de may, de l'année mil huit cent quatre, la vingt huiteme de l'Indépandance Américaime, après midy pardevent moy Pierre Pedesclaux Notaire Public des Etats Unis d'Amérique à la Nouvelle Orléans capitale de la Louisiane est comparu en personne Dame Mari Modeste Barbue veuve de première nocet de P. François Barbue Bachmin & en seconde du Sr. P. Vincent Lesassier décéde, capitaine de milice en cette ville laquelle en presance des témoins cy après nommés nous a dit et déclaré après avoir delle pris le serment en tel cas requis par lequel elle nous a juré et affirmé

1818.

de dire la vérité que par acte sous signature privée fait entre le sieur Vincent Lesassier son defunt mary & le sieur Jean Baptiste Macarty le dt. sieur Lesassier auret vendu sous la condition espress de ratifier la vante a datte de l'année mil sept cens quatrevingt ou environ au dt. sieur Jean Baptiste McCarty une terre contenent quatrevingt arpens de face sur chaque bord de la rivière Teche district des Attakapas au lieu nommé vulgairement le chicot Noir bornent d'un coté par le haut du domaine appartenent alors a Monsieur Borel & par en bas aux nommé Victor & Charles Fenon laquelle terre le dit sieur McCarty paya alors comptant au d. feu sieur Lesassier mon defunt et mary que par le dit acte sous signature privée le dt. feu Sr. Lesassier se soumit & obliga d'en passé la vante au greffe à la première requisition des dit sieur McCarty et de mon consentement ce que ma point eu lieu jusqua ce jour en reson de la perte des titres propriété de la ditte terre qui se sont trouvé brulé dans le incendie de l'année mil sept cent quatrevingt quatorze lesquels titres consistent dans la concessions qui en avait été faite par le gouvernement à mon défunt mary & le surplus en contrats par échange faites avec des Acadiens pour une otre terre que nous avions sur le vermillion & comme il est toute verité que le dt. feu sieur Vincent Lesassier mon mary a rellement vandu la ditte terre au dt. sieur McCarty que lui en a promit de leur en passer le contra à son requisition que moi meme jai promis de le ratifier quoique le choses n'aient point eues lieut en reson des circonstance je déclare sous la même religion de serment et dans la conviction ou je suis du payement fait dans les temps par le dt. sieur McCarty de la dt. terre et de la promesse par moi donné a en ratifier la vante, je dois lui octroyer cette ratification comme de fait je approuve & ratifie par ces presentes la ditte vente en tout son contenu renoncent pour toujour tant pour moy que pour mes héritiers ainsi que pour ceux de mon dt. mari à toute prétentions et droits sur cette terre dont je déclare que le prix a été payé a satisfait à sa juste valeur par le dit sieur Macarty qui en est le propriétaire sans troubles depuis vingt deux ans ou environ en foi de quoi j'ai donné la présente déclaration & ratification de mon bon gré propre mouvement et pure volonté sans y avoir été forcée ni contra inte pour servir & valoir au dit sieur Macarty ceque de droit dont acte requis & octroye & juge de son consentement.

Fait & passé en notre étude de la Nelle. Orléans les jours & an que dessus en présence des sieurs Claude François Buhours d'Argy homme de loi Jean B. Ramirez Lozano—Edmond Méance témoins demeurant en cette ville qui out signé ainsi que la Dme Veuve Lesassier en présence de nous notaire soussigné.

La minute est signée Marei Modeste Barbin Ve. Lesassier Jn. Lozano Jn. Bte. Ramirez Méance, Buhours d'Argy & de nous notaire soussigné en l'étude du quel elle est resteé.

PIERRE PEDESCLAUX, *Nre.*

LAND OFFICE AT OPELOUSAS,
23*d Septr* 1824.

I do certify the foregoing to be a true and correct copy from the original recorded in this office in the Attakapas.

Record book pages 330. 331 & 332.

Given under my hand at my said office the day and year above written.

VALENTINE KING,
Register.

L. C. Deblanc's deposition. (Translated on p. 39.)

Louis Charles De Blanc déclare qu' il est venu résider à la Nelle. Iberie aux Attakapas vers l'année 1796 en qualité de commandant. Il fut chargé par J. B. Macarty de payer les impôts pour ses terres. Il les a en effet payés depuis son arrivée aux Attakapas jusqu'a quelques années après la prise de possession de la Louisiane par le gouvernement des Etats Unis. Les taxes des terres de Macarty ont été payées exactement par le déposant. La terre de Macarty vulgairement nommée *Chicot Noir* vendue à N. Prevost est du nombre de celles pour lesquelles le deposant payait des taxes. La taxe portait sur quatre vingts arpens sur chaque bord du Bayou Teche. La terre du chicot noir était généralement regardée aux Attakapas comme la propriété de Macarty. Le deposant a entendu dire souvent par les anciens habitans que Macarty possédait quatre vingts arpens de chaque côté du bayou au chicot noir. A l'arrivée du déposant aux Attakapas les ruines des établissements faits par Lesassier sur cette terre existaient encore. On était dans l'usage de se faire concéder ou d'acheter les deux rives du bayou parcequ'il n'y a de forêts que d'un seul côté, c'est à dire que vis-à-vis un endroit boisé la rive opposée est prairie.

LOUIS DE BLANC.

Subscribed and sworn to before me at my office in New Iberia this 18th day of September 1824.

JOSIAH FRENCH,
Justice of Peace acting in and for the Parish of St. Martin.

STATE OF LOUISIANA,
Parish of St. Martin:

I, Paul Briant Parish Judge in and for the Parish of St. Martin do hereby certify that Josiah French Esqr. whose name is subscribed at the foot of the within instrument of writing is duly commissioned and sworn justice of the peace in and for the aforesaid parish and that faith and credit is due and ought to be given to his signature as such.

I certify also that Louis Charles De Blanc whose named is signed to the said instrument of writing is a man of good moral character.

In testimony whereof I have hereunto set my hand at St Martinsville this twenty-seventh day of September Anno Domini one thousand eight hundred and twenty-four.

P. BRIANT,
Parish Judge.

Translated on page 43.

Moy Catherine Baudouin, veuve Etier, femme en seconde Noce de Guillaume d'Ex, Eû Egard a mon age avancé et a mon Eloignement de la résidence de Mr. le commandant et à la requisition du Sr. Jean Bte. Macarty résident à la Nelle. Orléans, cy représenté par le Sr. Edmond son fils, afin de donner mar atification relative à une terre que je possédais sur les deux bords du Bayou Vermillion à la prairie Sorel, et que Jay vendue a mon dit Sr. Macarty pour prix de quatre cents piastres que jay recue comptant en conséquence pour les raisons sus dites je donne par le present ample et suffisant pouvoir à Pierre Etier mon fils, a fin que comme représentant ma propre personne et comme si présente j'étais, moy même, il puisse se transporter au greffe de ce district, et y donner ma ratification concernant la vente que jay faite dans le tems de la dite terre, laquelle appartient de tout droit au sus dt. Sr. Macarty, n'y ayant plus, ni moy ny mes héritiers aucune prétention sur elle; et promettant approuver comme effectivement j'aprouve d'avance tout ce qui aura été fait et déclaré par le dit Pierre Etier mon fils a qui jay donnée mes instructions. Et ne sachant signer, jay fais ma marque ordre. d'une croix présence Mr. Louis Charles de Blanc deputé civil commandt. de ce Post des Attakapas le dix neuf Avril 1800.

Marque ordre.
×
de la Ve. ETIER Femme.

LOUIS DE BLANC,
Deputé civil commandt., témoin.

Declaration of Pierre Etier jr. in the name of his mother. (Translated on page 45.

Aujourd'huy vingt deuxième jour du mois d'avril de l'année mil huit cent cinq, et la vingt neuvième de l'independence Americaine, après midy par devant moy henry hopkins commandant du poste des Attakapas, est comparu le sieur pierre etier chargé de pouvoir de Catherine Baudoin sa mère passé *passé* par devant, Monsieur Charles louis De Blanc comt. civil de ce poste à l'effet de nous donner la declaration suivante, et apres avoir preté serment en tel cas requis nous a effectivement declaré qu'après la mort de son défunt père Pierre Etier. Sa mere vendit, de son bon grès et propre mouvement, a Monsieur Jn. Bte. Macarty, par acte sous sa signature privée, sous la condition expresse de lui en passer contrat devant notaire à

sa première requisition. Une terre, située dans ce district sise à la prairie Sorel ainsi que tous les établissements qui y étaient alors existants—et comme les titres, et vente ont Brulé dans les papiers du reclament dans l'incendie de mil sept cent quatre vingt huit, le declarant ne pouvant se rapeller la face de la dite terre, dit que la face était égale, sur les deux bord du Bayou Vermillion, dit deplus, que ne s'étant rien reservée que mon dit sieur Macarty, étant a son droit il la possedera au même litre, declare deplus d'avoir reçu du dit acheteur la somme de quatre cent piastres, qui lui furent comptées le jour de la vente en vertu du quel payement mon dit sieur Macarty, peut en jouir comme il en a joui depuis le moment de la vente prometant de ne jamais y metre aucune oposition. Comme la dite terre telle et quelle se comporte etant sa propriété et a signé la presente déclaration comme étant sincere et véritable, en présence de Messieurs Charles Olivier De Vezin Barthelemy De Jean et Jn. Bte. Peytavin, mes témoins d'assistance, le même jour, mois, et an qu'en téte.

PIERRE ETIER,
Charge des procuration de ma merre.

JN. BAPTE. PEYTAVIN.
BTH. DÉJEAN.
OLIVIER DEVEZIN.

B. *Translated on page* 47.

J'autorise Monsieur Philippe Duclolange vu les raisons valables Données par la Dame épouse du Sr. Dex, à se transporter chez la dite Dame et a recevoir d'elle dans la forme ordinaire la déclaration quelle donnera sur les demandes à elle faites par Mr. Edmond Macarty pour Mr. Son père.

(Signé) HENRY HOPKINS,
Commandant.

Attakapas le 5 Mai 1805.

Moi soussigné Philippe Duclolange en vertu de l'autorisation cy dessus et à la demande de Monsieur Edmond Macarty comme chargé des affaires de Mr. Son père, me suis transporté au domicile de Dame Catherine Baudouin veuve Etier, femme en secondes noces de Sr. Guillaume Dex, pour prendre la déclaration de la dite dame au sujet d'une terre par elle vendue depuis longues années, à Mr. Jean Baptiste Macarty, et après avoir en la forme ordinaire prêté serment de dire la verité sur l'objet cy mentionné, la dite Dame veuve Etier, femme Dex déclare par le présent qu'après la mort de son defunt Mari sieur Pierre Etier elle a vendue à Monsieur Jean Baptiste Macarty une terre située en ce poste des Attakapas, sise à la Prairie Sorel avec tous les établissemens alors existans, déclare avoir vendue la dite terre pour la somme de quatre cents piastres qui lui furent alors payées comptant mon dit Sr. Macarty dit en outre ne se rappeler ni de la datte de la vente ni de la quantité de terre par elle

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vendue, ni si la vente fut faite au greffe ou par écrit souseing privé la dite Dame déclare en outre avoir alors vendu à mon dit Sr. Macarty la totalité de la terre qu'elle possédait en propre et en titre de concession, accordé à son défunt mari au dit endroit de la Prairie Sorel, n'ayant rien à reclamer comme de fait elle ne reclame rien sur la dite terre qui fut alors de sa propriété, donnant le présent pour servir de vente valable et autoriser la Jouissance et propriété de Monsieur Macarty sur la dite terre par elle vendue a la Prairie Sorel, et mon dit sieur acquereur declarant que les titres qui lui avaient été remis ont Brulé avec d'autres papiers à lui appartenant dans l'incendie de Mil sept cent quatre vingt dix huit, la Dame declarante pour que mon dit sieur Macarty puisse se procurer des renseignemens convenables sur la quantité d'arpens, l'informe qu'elle pense que cela est stipulé dans l'inventaire qui fut alors fait par Monr. Massicot presentement remplacé par Monr. St. Amand dit de plus que la terre était sur les deux Bords du Bayou Vermillion et avait une égale étendue sur chacun des dit deux bords et la dite veuve Etier aujourd'hui femme Dex, disant n'avoir rien autre chose à declarer sur le sujet et apres haute et intelligible lecture reconnait que le présent contient vérité, elle a fait sa Marque ordinaire d'une croix ne sachant écrire, et les sieurs Guillaume Dex Son epoux et Pierre Etier son fils ont signé avec moi.

Fait au domicile mentionné en l'autre part le six Mai mil huit cent cinq—(la minute est signée) Marque Ordre. de dame Ve. × Etier—présentement femme Desk—Guillaume Desk—Pierre Etié—Philippe Ducloslange.

Paroisse St. Martin.

Je soussigné Juge de la Paroisse St. Martin certifie que ce qui précède ci dessus et de l'autre part, est la copie conforme à la minute restée à ma garde et possession pour recours.

En foi de quoi j'ai ici apposé ma signature et le Sceau de mon office, à St. Martinsville le vingt unième jour du mois de Septembre Anno Domini Mil huit cent vingt quatre.

[SEAL.] (Signed) P. BRIANT,
Juge de Paroisse.

Inventory of the Estate of Pierre Etier Sr.

(An extract thereof is *translated* on page 59.)

Copie de l'inventaire de la succession de feu Pierre Ettiez fait par Jacques Masicot, commandant de la Paroisse St. Charles en 1784.

L'an mil huit cent quatrevingt quatre le premier du mois Juin moi, Jacques Masicot, commandant et juge dans l'étendue de la Paroisse St. Charles, des allemands, ayant été informe du décès de feu Pierre Ettiez, habitant en cette Paroisse, je me suis transporté en son habitation, pour proceder à l'inventaire et estimation de tous ses biens meubles et immeubles, en présence de Messieurs Antoine St. Amand et

sa première requisition. Une terre, située dans ce district sise à la prairie Sorel ainsi que tous les établissements qui y étaient alors existants—et comme les titres, et vente ont Brulé dans les papiers du reclament dans l'incendie de mil sept cent quatre vingt huit, le declarant ne pouvant se rapeller la face de la dite terre, dit que la face était égale, sur les deux bord du Bayou Vermillion, dit deplus, que ne s'étant rien reservée que mon dit sieur Macarty, étant a son droit il la possedera au même litre, declare deplus d'avoir reçu du dit acheteur la somme de quatre cent piastres, qui lui furent comptées le jour de la vente en vertu du quel payement mon dit sieur Macarty, peut en jouir comme il en a joui depuis le moment de la vente promotant de ne jamais y metre aucune oposition. Comme la dite terre telle et quelle se comporte etant sa propriété et a signé la presente déclaration comme étant sincere et véritable, en présence de Messieurs Charles Olivier De Vezin Barthelemy De Jean et Jn. Bte. Peytavin, mes témoins d'assistance, le même jour, mois, et an qu'en tête.

PIERRE ETIER,
Charge des procuration de ma merre.

JN. BAPTE. PEYTAVIN.
BTH. DÉJEAN.
OLIVIER DEVEZIN.

B. *Translated on page* 47.

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(Signé) HENRY HOPKINS,
Commandant.

Attakapas le 5 Mai 1805.

Moi soussigné Philippe Duclolange en vertu de l'autorisation cy dessus et à la demande de Monsieur Edmond Macarty comme chargé des affaires de Mr. Son père, me suis transporté au domicile de Dame Catherine Baudouin veuve Etier, femme en secondes noces de Sr. Guillaume Dex, pour prendre la déclaration de la dite dame au sujet d'une terre par elle vendue depuis longues années, à Mr. Jean Baptiste Macarty, et après avoir en la forme ordinaire prêté serment de dire la verité sur l'objet cy mentionné, la dite Dame veuve Etier, femme Dex déclare par le présent qu'après la mort de son defunt Mari sieur Pierre Etier elle a vendue à Monsieur Jean Baptiste Macarty une terre située en ce poste des Attakapas, sise à la Prairie Sorel avec tous les établissemens alors existans, déclare avoir vendue la dite terre pour la somme de quatre cents piastres qui lui furent alors payées comptant mon dit Sr. Macarty dit en outre ne se rappeler ni de la datte de la vente ni de la quantité de terre par elle

vendue, ni si la vente fut faite au greffe ou par écrit souseing privé la dite Dame déclare en outre avoir alors vendu à mon dit Sr. Macarty la totalité de la terre qu'elle possédait en propre et en titre de concession, accordé à son défunt mari au dit endroit de la Prairie Sorel, n'ayant rien à reclamer comme de fait elle ne reclame rien sur la dite terre qui fut alors de sa propriété, donnant le présent pour servir de vente valable et autoriser la Jouissance et propriété de Monsieur Macarty sur la dite terre par elle vendue a la Prairie Sorel, et mon dit sieur acquereur declarant que les titres qui lui avaient été remis ont Brulé avec d'autres papiers à lui appartenant dans l'incendie de Mil sept cent quatre vingt dix huit, la Dame declarante pour que mon dit sieur Macarty puisse se procurer des renseignemens convenables sur la quantité d'arpens, l'informe qu'elle pense que cela est stipulé dans l'inventaire qui fut alors fait par Monr. Massicot presentement remplacé par Monr. St. Amand dit de plus que la terre était sur les deux Bords du Bayou Vermillion et avait une égale étendue sur chacun des dit deux bords et la dite veuve Etier aujourd'hui femme Dex, disant n'avoir rien autre chose à declarer sur le sujet et apres haute et intelligible lecture reconnait que le présent contient vérité, elle a fait sa Marque ordinaire d'une croix ne sachant écrire, et les sieurs Guillaume Dex Son epoux et Pierre Etier son fils ont signé avec moi.

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Paroisse St. Martin.

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Etienne Doslhonde appréciateurs nommés, de la veuve du dit défunt, et du sieur Alphonse Dervin frère de Catherine Baudouin veuve de Pierre Ettiez aux quels dits appréciateurs j'ai fait prêter serment de s'en bien est fidèlement acquitter et suivant leurs consciences, ainsi que la veuve de declarer tout ce qui appartient à la dite succession, et après avoir sû que le dit défunt avait fait son testament aux Attakapas par devant Mr. Le Chevalier Declouette commandant dans la dite partie où le dit défunt y fesait sa résidence, lequel y a une vacherie que Mr. Declouette fera faire une estimation dont la dite veuve en produira la copie ainsi que du testament fait par le dit défunt pour en constater le contenu dans le dit inventaire à la suite de celui-ci. J'ai procédé au susdit inventaire comme suit savoir:

	P.
Premièrement dans la salle en entrant s'est trouvé une table de cy pre et cinq chaises, estimés le tout cinq piastres, cy	$5 00
Idem une paire de chenets estimée à quatre piastres, cy	4 00
Idem un miroir, un moulin à poivre, une mocque, deux salières, un chandelier—estimé à deux piastres, cy .	2 00
Idem, un petit coffre d'outils donc deux ciséaux, un cassetête à couvrir, un marteau deux ciseaux, à frotte, une vrille, une paire de petites balances, avec son flaux et un petit tas de feraille estimé le tout à quatre piastres, cy	4 00
Idem, nous nous sommes transportés dans la chambre où l'on a trouvé une commode de cédre estimée à six piastres	6 00
Idem, une paire de tenailles, un marteau, un badane, deux limes, une pierre à razoir, un lasseray, un poids de more d'une livre estimé à Idem un coffre où il s'est trouvé le linge suivant	2 00
Six paires culottes de cotonnade et une de nankin bonnes & mauvaises estimées à six piastres, cy . . .	6 00
Idem, quatre paires ditto de toile, estimées à deux piastres, cy	6 00
Idem, quatre chemises et une paire de culottes—estimées à quatre piastres	4 00
Idem, un frac de nankin une culotte de camelot, une de velours, une chemise, une veste et une redingotte estimé à quinze piastres, cy	15 00
Idem, un frac de camelot, une veste de drap gris, un gilet de molleton, un dito de plus estimé à dix piastres, cy	10 00
Idem, trois draps lit, estimés a six piastres, cy . .	6 00
Idem, six serviettes ouvrées, trois nappes de brin, estimées à cinq piastres, cy	5 00
	75 00

	P.
Suite et montant d'autre part	$75 00
Idem, une paire de bottines une paire de souliers, un cassetête à calumet—deux lignes à tabac, estimé à trois piastres cy	3 00
Idem, six dugdalles de grès, vingt bouteilles, deux paniers de peton adjugé à six piastres, cy	6 00
Idem, une selle espagnolle garnie de son fut, et une bride et mors français—estimé a douze piastres, cy . .	12 00
Idem, deux tarières deux égouines, un couteau a deux manckes une manchette estimé a six piastres, cy .	6 00
Idem, cinq pluoles, un verre à pattes, trois gobelets, un ancre de mesure, estimé le tout à deux piastres edemie, cy	2 04
Idem, un coffre fermant à clef, et un autre petit estimé à trois piastres, cy	3 00
Idem, deux vestes fil d'épreuve, une de coutil, et une de polonaise, un gilet fil, une paire de calçons—estimé à quatre piastres, cy	4 00
Idem, un chapeau, trois razoirs, une paire de boucles, de composition, un compas estimé à trois piastres, cy .	3 00
Idem, un lit, une paillase un matelas, une paire de draps, une couverte, deux robes de bœuf, un traversin et le moustiquaire de canevas estimé à dix piastres, cy .	10 00
Idem, un fusil, deux cornes, une gibécière, estimé à six piastres, cy	6 00
Idem, un couteau de chasse garni en argent estimé à six piastres, cy	6 00
Idem, une a de drap vest estimé à deux piastres, cy .	2 00
	$188. p 4

Idem, un petit coffre fermant à clef, ou il s'est trouvé plusieurs papiers savoir:

Un marché d'une negresse nommée Madelon, vendue par W. V. Villeré coté et paraphé No. 1.

Idem, une lettre de son frère nommé Jean Romage Damittie cotée et paraphée No. 2.

Idem, un procès verbal de son habitation, par Mr. Lalande Ferrière, coté et paraphé No. 3.

Idem, la copie de la vente de six arpents de terre que Mr. degruize a vendus au dit défunt en date du sept Novembre, mil sept cents quatrevingt un, passé par Mr. Declouette aux Attakapas, cotée et paraphée No. 4.

Idem la copie de la vente de l'habitation du feu Ettier attet. par en haut à la terre de Mr. Girardin et par en bas à celle de la Ve. Bodoin, passée par Mr. de Bellile en date du vingt mars mil sept cents soixante et quatorze cotée et paraphée No. 5.

Suite et montant d'autre part $138 p. 4

Idem, une concession donnée par Mr. de Mirox gouverneur et executée par Mr. Declouette commandant aux Attakapas, de vingt cinq arpens accordée du trois fevrier, mil sept cents quatrevingts trois cotée et paraphée No. 6.

Une reconnaissance de Mr. Ozenne par laquelle il dt. à Mr. Pepin—par laquelle il dt. dix neuf piastres cotée et paraphée No. 7.

Idem, une lettre de Mr. Villefranche en date du seize Juillet mil sept cents quatrevingts trois, qui fait mention de sa société, cotée et paraphée No. 8.

Idem, une concession de vingt arpens de terre aux Attakapas du côté de la rivière du Vermillion en date du huit Octobre mil sept cents quatre vingts deux cotée & paraphée No. 9.

Idem, une concession de dix arpens de terre accordée à Pierre Etiez fils, aux Attakapas, en date du quatre Decembre, mil sept cents quatre vingt deux, cotée et paraphée No. 10.

Idem, une concession accordée à Antoine fils de feu Ettiez de dix arpens de terre aux Attakapas en date du trois Décembre mil sept cents quatre vingts deux, cotée et paraphée No. 11.

Idem, une concession de dix arpens de terre accordée à Alphonse Ettiez fils du dit défunt Ettiez, accordée en date du trois Decembre, mil sept cents quatrevingt deux, cotée et paraphée No. 12.

Une reconnaissance faite par Mr. Leblan faite avec un crayon où l'on n'y comprend point, vu que l'écriture parait peu par laquelle Mr. Blan reconnait avoir reçu de Mr. Ettiez cent piastres pour des bestiaux qu'il dt. lui livrer, en date du 7 Novembre mil sept cents quatrevingts trois, cotée et paraphée No. 13.

Idem, une quittance du sieur Ettiez en date du seize mars mil sept cent quatrevingts trois, qu'il a acquittée à Mr. Barré, cotée et paraphée No. 14.

Idem, un marché du feu Ettiez par lequel il a vendu au sieur George héno, une habitation de six arpens de face, des deux bords du bayou de la rivière Têche en date du 23 vingt trois Octobre mil sept cents quatre vingts trois pour prix de cinq cents piastres, échu du courant de Janvier prochain, coté et paraphé No. 15, cy 500 00

Idem, un mandat par Mr. Dutuuet sur Mr. Laoussaye de cinq piastres, payable à Mr. Ettiez en date du dix

$638 p. 4

Suite et montant d'autre part	$638 p. 4
Juin, mil sept cents quatre vingts trois coté et paraphé No. 16, cy	5 00
Idem, il s'est trouvé dans le petit coffre en argent deux piastres et vingt cinq sols, cy	2 02
Idem, il est dû par le père Bernabé quatre escalins, cy	4
Idem, il est dû par goinille et un mulâtre, neuf escalins, cy	1 01
Idem, il est du par Mr. Alphonse Dervin d'argent touché pr. le dit défunt deux cents piastres, cy . . .	200 00
Idem, six pioches bonnes et mauvaises, deux souchet, deux vollan, estimé le tout à huit piastres, cy . .	8 00
Huit faucilles, et cinq hackes, une heminette plate et une creuze, estimé huit piastres	8 00
Idem, une verlope et une galère, un vollet, une équerre une petite pince estimé à quatre piastres, cy . .	4 00
Idem, un mauvais coutre, un marteau à tailler la pierre deux cassetêtes, deux truelles, une chaine de proux, estimé à quatre piastres, cy	4 00
Idem une scie de travers et un Estoc; estimé à Dix piastres, cy	10 00
Idem, six chaudières bonnes et mauvaises, estimé à cinq piastres	5 00
Idem, une poële, six assiettes et six plats, une soupière estimé à quatre piastres, cy	4 00
Idem, trois tasses et trois seaux estimé à deux piastres, cy	2 00
Idem, douze fourchettes de fer huit cuillers d'étains, quatre couteaux estimé à trois piastres, cy . .	3 00
Idem, la veuve a déclaré avoir en argent, cent piastres, cy	100 00
Idem, une paire de bœufs de tire estimé à soixante piastres, cy	60 00
Idem, une autre paire de bœuffs dont il y en a un dans le bois, estimé à cinquante piastres, cy . . .	50 00
Idem, une vache et son suivant, estimé à trente piastres, cy	30 00
Idem, un cheval de tire, estimé à quinze piastres, cy .	15 00
Idem, une truie avec cinq pelits, estimé à huit piastres, cy	8 00
Idem un nègre nommé Cézar de guinée à cinq cents piastres	500 00
Idem, un nègre nommé François de guinée, estimé à quatre cents piastres, cy	400 00
Idem, une négresse nommée Marie et son enfant agé d'environ trois ans; estimée a cinq cents piastres les deux, cy	500 00
	$2558 p. 3

Suite et montant d'autre part	$2558 p.3
Idem, une habitation de six arpents de face attenante par en haut, à la terre de valentin, nègre libre, et par en bas à celle de Mr. Nicolas Baudoin, sur la profondeur ordinaire, située à environ neuf lieues de la ville sur la'quelle il y a une maison de poteaux, en terre, couverte en pieux; d'environ vingt-cinq pieds de long, galerie devant et derrière, et deux cabinets à chaque bout, une salle et une chambre.	
De plus un vieux moulin a pilons, couvert en pieux, un magazin sur sol de dix huit pieds de long et quinze de large couvert en pieux, et entouré en planches une galerie par devant et un appertis sur un pignon.	
Idem, pigeonnier, deux vieilles cabanes à nègre, la susdite habitation entouré sur les quatre faces, le tout estimé à sept cents piastres, cy	700 00
	$3,258 p.3

Clos et arrêté le susdit inventaire montant suivant à l'estimation ci-dessus, et des autre part à la quantité de trois mille deux cents cinquante huit piastres et trois escalins en présence des susdits appréciateurs de la veuve de feu Pierre Ettiez, ainsi que de son frère Alphonse Dorvin, lesquels ont signé avec moi susdit commandant, à l'exception de la veuve Catherine Baudoin veuve de Pierre Ettiez, ainsi que de Alphonse Dorvin qui ont dit et déclaré ne savoir signer de ce requis suivant l'ordonnance, dont je fais foi ledit jour mois et an que en l'autre part (signé Etienne Deslondes, Antoine St. Amand, Jacques Masicot).

De plus l'on avait oublie une pirogue de cypre, de quarante cinq pieds de long, sur trois pieds de large estimée a quarante cinq piastres.

La totalité de tout montant à trois mille trois cents piastres et trois escalins.

Je certifie que la copie qui précède de l'inventaire fait l'an mil sept cents quatre vingt quatre au premier du mois de Juin, par Jacques Masicot, alors commandant et juge de la paroisse St. Charles, est entièrement conforme à la pièce originale, qui se trouve deposée pour recours au greffe de cette paroisse, dans la liasse de l'année 1784 sous le numéro 609.

Paroisse St. Charles le 24 du mois de Septembre de l'année mil huit cent trente et un et la cinquante sixième de l'indépendance des Etats Unis d'Amérique.

En foi de quoi j'ai signé le présent et y ai apposé le sceau de mon office.

[SEAL.] J. L. LABRANCHE,
Juge.

Ratification of Sale by Antoine Boudousquié.

(*Translated on page* 61.)

Aujourd'hui sixième jour de Juin de l'année mil huit cent quatre la vingt, huitième de l'Independance Américaine, après midi:

Pardevant nous Pierre Pedesclaux, notaire public des Etats Unis d'Amérique à la Nouvelle Orleans, capitale de la Louisiane.

Est comparu en personne, le sieur Antoine Boudousquié, bourgeois de cette ville, lequel après avoir pris le serment en tel cas requis nous a dit et déclaré que dans l'année mil sept cent quatre vingt quatre ou environ, il vendit de son plein gré et pour en avoir eu le droit au sieur Jean Baptiste Macarty, par acte sous signature privée sous la condition expresse de lui en passer contrat devant notaire à sa première requisition, une terre, située dans le district des Attakapas au canton nommé la prairie Sorel, ainsi que tous les établissements qui y étaient alors existans, laquelle terre a quarante arpens de face, sur chaque côté de la petite rivière, appellée Vermillion.

Collationné.

Que pour prix de la dite terre le dit sieur Jean Baptiste Macarty, lui paya comptant la somme de quatre cents piastres gourdes mais que depuis cette époque le dit sieur Macarty ayant négligé de lui en demander acte par devant notaire ainsi que lui sieur comparant y était obligé le dit sieur ne pouvait avoir pour titres que le sousing privé qu'il lui avait remis dans les temps, que dans l'incendie de mil sept cent quatre vingt huit, lui sieur comparant ayant, perdu tous ses papiers qui devinrent la proie des flammes, comme le dit sieur Macarty perdit également les siens, ce dernier à continué de jouir sur la foi des promesses de lui sieur comparant, de lui fournir un titre authentique.

Qu'ayant eu le malheur de perdre dans la dite incendie, les titres de la concession qui lui avait été faite de la dite terre par Monsieur Bernard de Galvez, gouverneur alors de cette province pour sa Majesté Catholique, il lui était impossible de se rappeller précisément de la date de cette concession, non plus que les noms des habitants qui l'avoisinaient en raison de ce qu'à cette époque ce canton était très peu établi; mais comme il serait injuste, que le dit sieur Macarty devint à sa propriété, faute de titres; il nous a déclaré sous la même religion du serment qu'ayant été payé et remboursé par le sieur Macarty de la dite terre, il renonçait pour toujours tant pour lui que pour ses heritiers, à tous droits et prétentions sur icelle en faveur du dit sieur Macarty vrai et seul propriétaire qui en a joui sans troubles depuis plus de vingt ans. Dont et tout ce que dessus, il nous a requis acte à lui octroyé pour savoir et valoir au dit sieur Macarty ce que de droit, et l'avons juge de son consentement.

Fait et passé en notre étude à la Nouvelle Orléans les jours & an que dessus, en presence des sieurs Claude François Buhourd Dargy homme de loi, Jean Baptiste Ramirez, Joachim hozano, et Edmond

Méance témoin demeurant en cette ville qui ont signé ainsi que le dit sieur comparant en présence de nous notaire soussigné.

La minute est signée: Anto. Boudousquié, Jean Bte. Ramirez, Joaqn. Lozano, Meance, Buhourd d'Argy, Pierre Pedesclaux Nre.

Pour copie conforme à l'original resté en mon étude pour recours. En foi de quoi j'ai signé le présent et apposé le sceau de mon office à la Nouvelle Orléans le premier Juillet 1831.

[SEAL.] LOUIS T. CAIRE,
Not. Pub.

Rec: B. 4, pp. 20 & 21.

(*Translated on page* 117.)

A Monsieur, Monsieur de Miro, Inspecteur, Colonel et Gouverneur de la province de la Louisiane.

Le Sr. Louis A. George Demarets à l'honneur de vous representer que désirant former une vacherie dans la partie des Attakapas, ou il a déjà eu en sa possession environ trois cens têtes de bestiaux non compris plusieurs juments et chevaux, a considéré il vous plaise a V. S., de lui accorder dans la partie du bas du Vermillion, à *l'opposé de la terre de Mr. de Macarty*, quarante arpens de terre de face avec profondeur ordinaire, à prendre de la pointe au feu Patrick Clark, Américain, s'était cabané, sans titre, et courant la dite terre du côté du pays tremblant, en conformité des avis devent de profondeur, qui lui seront donnés par l'officier arpenteur du Roy, sans prétendre préjudicier à qui que ce soit.

Le supt. fera des vœux pour la conservation des jours de V. S. Attakapas ce 15 Août 1786.

(Signed) DEMARETS.

L'exposé du supt. est véritable pour le nombre environ d'animaux, la terre demandée par sa déclaration est du domaine, propre seulement à une vacherie ce que jatteste à Mr. de Miro, Gouverneur, afin d'en obtenir l'arpentage.

(Signed) LE CHEVER. DE CLOUET.

Atacapas ce 17 Août 1786.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be duly copied from the Records of this office, at the pages twenty and twenty-one of the Record Book numbered Four.

Given under my hand and private seal of office, this 21st day of October 1831.

[V. K.] VALENTINE KING,
Regr.

1124

N.B. (*Translated on page* 16.)

Attakapas Rec. Book, page 334.

I. Doit Mr. de Macarty pour sa cote part aux frais faits par le poste des Attakapas d'après les délibérations de M. M. les commandant et syndics du poste pour 246 arpens de terre à 5 6—$13 4 cnt. Pour acquit le 18 Avril 1794.

BERARD,
Sindic.

Vu par moi, Commandant du Poste.
FRAN. CASA Y LUENGO.

II. Dans L'estimation des biens faite pour la contribution aux travaux de Lafourche les terres ont été portées à 12 piastres l'arpent et après le relevé général il a été statué que l'on fourniraite un homme par 1950 piastres de biens. Pour les personnes qui n'ont pas fourni, le travail a été fixé à 5 Res. par jour cequi à raison de 55 jours qu' a duré l'ouvrage, fait 33 prs. par homme du. Mr. Macarty doit pour 246 arpens de terre à 12 prs. 2952—1 homme ½, —pour le dit homme et demi $49 4. Le présent véritable, sauf erreur. Attakapas le 27 Août 1797. Philippe Duclollange, dépositaire du Public,—Vu par moy commandant, De Blanc.

Reçu de Monsieur Macarty la somme de trente piastres et dix escalins pour le montant de cent quarante six arpens de terre situés aux Attakapas pour les frais des traveaux de la fourche il s'est refusé à payer un nègre et demi dont il était taxé n'en ayant point dans le poste Nouvelle Orléans le 19, 7bre 1797. F. L. Lagroue.

J'ai reçu de Mr. Macarty dix huit piastres six escalins pour solde du compte porté en l'autre part. Nelle. Orleans le 24 Dec: 1797.
PHILIPPE DUCLOLLANGE.

III. Monsieur de Macarty, pour sa quote part dans le second paiement de la Fourche pour 246 arpens de terre a $12, faisant 2952 piastres valeur estimative, la contribution faitè à raison de 35s par 100 piastres, doit dix piastres et trois escalins, cy $10 3.

Le présent véritable, sauf erreur, Attakapas le 16 Avl. 1800.
PHILIPPE DUCLOLLANGE.

Reçu le montant de l'autre part le 3 8bre 1800.
F. L. LAGROUE.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

I do hereby certify the foregoing to be a true copy from the Records of this office at the page 334 of the Book in this office, called "the Attakapas Record Book."

Given under my hand and private seal of office, this 21st day of October, A. D. 1831.

[V. K.] VALENTINE KING, *Regr.*

First Deliberation of the Inhabitants of Attakapas concerning the Lafourche Canal.

(*Translated on page* 163.)

Aujourd'hui dixième jour du mois de Septembre de l'année mil sept cent quatrevingt quinze, nous Dn. Froo. Caso y Luengo lieutenant d'infanterie au régiment de la Louisiane, et commandant civil et militaire des Attakapas ayant convoqué les syndics de ce poste avec leurs adjoints pour délibérer sur l'endroit où l'on devait faire une route pour l'issue à la capitale, et sur les moyens les moins onéreux pour faire la dite route, les dit syndics nous ont rapporté que les habitants vespectifs de leurs quartiers demandaient unanimement que la route se fit par la Fourche des Chetimachees se sont seulement declaré d'un avis différent le Sr. Pre. Nézat qui a dit que son quartier, voulait travailler à plaquemine, avec Mrs. des Opelousas, et le sieur Fcois Caramouche qui nous a également dit que la plus grande partie de son quatier était également pour plaquemine.

Les mêmes syndics votant pour la Fourche aux chetimachas, délibérant sur les moyens à prendre pour la confection de la fourche, ont déterminé qu'il serait fait de suite un recensement exacte des piens de ce poste, que les esclaves de tel age et sexe que ce soit seraient passés à la valeur de deux cents piastres, les bêtes à cornes et cavalines, d'un an en montant passées à quatre piastres, et l'arpent de terre à douze, du rapport des divers quartiers et sera fait une masse générale qui sera partagée de façon que chacun fournissait à raison d'une certaine somme, la totalité des travaillans soit de deux cents ; stipulé que ceux qui prendront des engagés aient a choisir des hommes capables de travailler, que l'endroit du rendez vous pour le depart est fixé à la Nelle. Ibérie, et pour le vingt d'Octobre prochain, que là il sera fait une revue générale et que tout engagé jugé non capable de travailler sera renvoyé, et celui qui l'avait fourni contraint d'en envoyer un autre, la dite revue sera faite par Mr. Olivier Devezin, choisi par la généralité des sindics pour diriger la totalité des travaux à faire, et chaque quartier choisira parmi les hommes qu'il aura fournis un pour diriger la part d'ouvrage qui lui aura été remise, a été, également convenu que tout engagé qui étant à la fourche sera reconnu comme inutile serait renvoyé de la fourche étant, et un autre pris aux dépends de celui qui l'aurait fourni, le tout jugé par le directeur de l'ouvrage, que chacun se provisionnera de vivres pour deux mois ainsi que des ustensiles et cordages nécessaires et pirogue.

Arrêté en la maison Presbitériale, les jour, mois et an que dit est —(la minute est signée) Franco Cayo y Luengo, Olivier Devezin, Louis Delahoussaye, Nicolas Guénard, Joseph Babin, N. Rousseau, A. Fuselier, Firmin Bro, Aman Dugas, Sorrel Contamine, Louis Judicefils, François Caremouche, Juan de Toxas, Sorrel de Crux + de Franco Broussard.

1825.

STATE OF LOUISIANA,
Parish of St. Martin:

I the undersigned Judge of the Parish of St. Martin do hereby certify the foregoing to be a true copy from the original on file and of record in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of my office at St. Martinsville this twenty-fourth day of August in the year one thousand eight hundred and thirty-one.

[SEAL.] P. BRIANT,
Parish Judge.

☞I the undersigned Judge of the Parish of St. Martin do hereby certify that, the above document being signed by Caso y Luengo the former Spanish commandant of the post of Attakapas, who has long since left the United States and is as I believe dead it would be, according to the laws and the jurisprudence of the State of Louisiana considered as genuine, unless said signature were proved to be false. That however, as said document is to be submitted to Congress, I have been requested by the heirs of Macarty to certify, whether said signature and other signatures are true and genuine—and in compliance with said request I have no hesitation in saying that I recognize the signature of Casa y Luengo the former Spanish commandant as true and genuine, having known him personally at Pasacola, and having frequently seen him write and sign his name—and I affirm the same reasons of the signatures of Olivier Devesin, Joseph Babin, Agricole Fuselier, Louis Delahoussaye, Sorrel Contamine, Louis Judice fils and François Caremouche.

In testimony whereof I have hereunto set my hand and affixed the seal of my office at St. Martinsville, on the twenty-fourth day of August eighteen hundred and thirty-one.

[SEAL.] P. BRIANT,
Parish Judge.

Second deliberation of the inhabitants of Attakapas concerning the Lafourche Canal.

(*Translated on page* 167.)

A l'assemblée d'aujourd'hui vingt huit du mois de Janvier de l'année mil sept cent quatre-vingt dix huit, il a été décidé que les recensements à faire pour la contribution du dernier payement de la Fourche, sont inutiles, toute l'assemblée étant d'accord qu'on suive les anciens, que seulement chaque syndic fera dans son quartier la vente, ou information de ceux qui peuvent avoir augmenté ou diminué en nègres ou terres et que quant aux bestiaux n'étant pas possible de les ramasser dans cette saison, et n'étant pas juste que par rapport à cette raison les paiemens soient suspendus ou prolongés qu'on devra suivre absolument les anciens recensemens que Messieurs les

syndics presenteront au plutôt leur note de vérification à Mr. Philippe Du Closlange, chargé de nouveau de faire les comptes aux mêmes conditions de cinq pour cent passées à l'acte du cinq Mars de l'année dernière pour les premiers comptes, le quel dit sieur présent et acceptant la dite charge et promettant s'en acquitter fidèlement, et à la satisfaction du Public; lesquels biens portés aux premiers recensements, seront portés sur les comptes suivant et conformément leurs anciennes taxes sans qu'il soit besoin d'en faire de nouvelles, tel a décidé l'assemblée et signé avec nous Don Luis Charles De Blanc commandant civil et militaire de ce poste, les mêmes jour mois et an que ci-devant.

(Signé) Louis Delahoussaye, Joseph Babin, firmin Bro, A. Fuselier, F. Te. Ozenne, Sorrel Contamine, Louis Judice, François Broussard, Marque ordinaire × du sieur Louis Hebert, Louis Arcenaux, Pierre Arcenaux, Jean Baptiste Brousard, Amain Dugas, André Martin, Charles Potier, fr. Grevemberg, Ante. Savet De Clouet, Louis De Blanc.

Parish of St. Martin.

I the undersigned Judge of the Parish of St. Martin do hereby certify the foregoing to be a true copy from the original on file and of record in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of my office at St. Martinsville on this twenty-fourth day of August in the year of our lord one thousand eight hundred and thirty one.

[SEAL] P. BRIANT,
Parish Judge.

☞ I the undersigned Judge of the Parish of St. Martin do hereby certify that, the document signed by Louis De Blanc the former Spanish commandant of the post of Attakapas, since deceased, it would be, according to the laws and jurisprudence of the State of Louisiana considered as genuine, unless said signature were proved to be false—that however, as said document is to be submitted to Congress I have been requested by the heirs of Macarty to certify, whether said signature and other signatures are true and genuine—and in compliance with said request I have no hesitation in saying that I recognize the signature of Louis De Blanc the former Spanish commandant as true and genuine, having known him personally and having frequently seen him write and sign his name. And I affirm the same and for the same reasons, of the signatures of Louis Delahoussaye, Joseph Babin, A. Fuselier, Js. P. Ozanne, Sorrel Contamine, Louis Judice François Caremouche, André Martin, Charles Cotier Fr. Grevemberg & Declouet.

In testimony whereof I have hereunto set my hand and affixed

the seal of my office at St. Martinsville, on the twenty-fourth day of August eighteen hundred and thirty-one.

[SEAL] P. BRIANT,
Parish Judge.

UNITED STATES OF AMERICA,
State of Louisiana:

By A. B. Roman, Governor of the State of Louisiana.

These are to certify that G. King is Judge of the Parish of St. Landry, Paul Briant, Judge of the Parish of St. Martin, Joshua Baker, Judge of the Parish of St. Marie and S. L. La Branche, Judge of the Parish of St. Charles, that Villejoint is Sheriff of the Parish of Lafayette, Louis T. Caire Notary Public for the Parish & City of New Orleans, Gallien Préval Associate Judge of the City Court of New Orleans, Henderson Taylor Justice of the Peace for the Parish of St. Landry, Charles Kibbe & J. J. Neven are Justices of the Peace for the Parish of Lafayette, Fergus Fuselier, Justice of the Peace for the Parish of St. Martin and that François Gardère is Treasurer of the State of Louisiana.

Given under my hand and the seal of the State, at New Orleans, on the 25th day of November 183 and of the Independence of the United States the fifty-sixth.

[SEAL] A. B. ROMAN.

By the Governor.

THO. F. McCALEB,
Secretary of the State.

LAND OFFICE AT OPELOUSAS,
State of Louisiana.

At the request of the interested I do declare and certify to the truth of the following facts to the best of my knowledge and belief.

That Charles Laveau Trudeau, the late Surveyor General of the Province of Louisiana, was in Opelousas in the year 1782, as appears by several documents in my office, & particularly by two plats and certificates of survey by him made, and refered to by the late board of commissioners at this office, on their certificates of confirmation, marked A No. 812 & 950.

That nothing in my office, as far as I have seen, or any other circumstances within my knowledge establishes the fact that the said Trudeau ever visited Opelousas later than the year 1782 or 1783. That there are no concessions under the Spanish government for lands on the Bayou Vermillion, in the county of Attakapas, below those confirmed to the three Etiers, Pierre, Alphonse & Antoine, except those of MaCarty which have lately been brought to my notice.

That adjoining lands are frequently designated in ancient titles and sales by reference to the actual occupant and not to the grantee.

That having resided in Opelousas constantly during the last fifteen years, I am well acquainted with Jacques Dupré, Joseph Andrus and Martin Donatto of said place, and I know them to be old and respectable men, sustaining the best reputations. That Henderson Taylor of the town of Opelousas is by universal acknowledgement, a justice of the peace duly commissioned, and has for many years acted as such in the Parish of Saint Landry and county of Opelousas. That the signatures as hereafter designated are known and recognized by me to be genuine viz—that of Joseph Andrus to an affidavit signed 12th September 1831, that of Jacques Dupré to an affidavit signed 6 Septr 1831, and that of Henderson Taylor Justice of the Peace to the said affidavits & to the affidavit of the 19th of Octr 1831 signed Martin Donatto. I also know and recognize the signatures of Paul Briant Parish Judge for the Parish of St Martin to the following documents to wit—

1. A declaration of widow Etier certified by said Briant 21 Sept. 1824.

2. A document in the French language entitled "Recensement General, et état des recette &c" certified by said Briant 24 Aug. 1831.

3. A document in the French language to which the following English title has been prefixed—"First Deliberation of the Inhabitants of Attakapas, concerning the Lafourche Canal" certified by said Briant 24 Augt. 1831.

4. A document in the French language to which the following English title has been prefixed, "Second Deliberation of the Inhabitants of Attakapas, concerning the Lafourche Canal" certified by said Briant 24 Augt. 1831.

& 5th The affidavit signed by said Briant with Fuselier Justice of the Peace &c. 10th Octr. 1831.

Given under my hand this first day of November in the year of our Lord 1831.

VALENTINE KING, *Regr.*

STATE OF LOUISIANA,
Parish of Orleans:

Affidavit.

Louis Janin, attorney and counsellor at law, residing in New Orleans, being duly sworn, deposes, that he is acquainted with the French and Spanish languages, and has translated the following documents, offered by the family Macarty in support of their land claims, into English, always endeavouring to render the sense of the original accurately, viz: The power of att'y given by the Widow Etier to her son, Pierre Etier, authorising him to make a certain declaration in her name (on page 43 of the memorial and the docu-

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ments offered by the Macarty's)—The said declaration of Pierre Etier's son (p. 45.)—The deposition of Widow Etier relating to the land she sold to J. B. Macarty (p. 47.)—An extract from the inventory of Pierre Etier the father (p. 59)—Boudousquié's ratification of the sale of a tract of land to J. B. Macarty (p. 61.)—The general list of the property owned in Attakapas in 1781 "(p. 153.)—The first (p. 163) and the second (p. 167) deliberation of the inhabitants of Attakapas, being the process-verbal of resolutions passed concerning the works on the Lafourche. Three receipts of taxes paid under the Spanish government by J. B. Macarty, filed in the Land Office of the South Western District (p. 161). The requête or petition of Louis A. George Desmarest praying for a grant of land (p. 117)—4 Spanish concessions, granted to Joseph Thierry, J. B. Macarty, Barthelemy Macarty and Edmund Macarty (p. 185).

Deponent further states that he has been employed by the family Macarty to collect documentary and testimonial evidence of their right to the lands they claim—that in consequence he travelled in Attacapas and Opelousas, made researches in the public offices located in sd. counties and in New Orleans, and procured the examination of a considerable number of witnesses, whose depositions added to the documents (partly originals and partly certified copies) which have come into his hands, will be found annexed to the memorial of the family Macarty, from page to p. 33 to 225, deponent adds that sd. documents and affidavits are really signed by the public officers by whom they profess to have been certified, deponent being well acquainted both with these persons and their signatures. It would have been easy to add many more affidavits of the same purport as those offered, if the latter had not been considered as sufficient; and it had not been thought improper and injudicious to swell the documents to be submitted to Congress to an unreasonable size.

Deponent has been informed by numerous old settlers of Attakapas, that 40 and 50 years ago the lowest part of the Vermillion, (in which the Macarty claims are situated) was nearly unsettled and notwithstanding very diligent enquiries, deponent has not been able to ascertain, that any of the early inhabitants who lived near Macarty's land, are still in existence, besides Pierre Lapointe whose testimony has been taken (p.) and Jacob Ryan, whose deposition was not considered of such importance as to warrant the delay and expence attending the journey of a justice of the peace to the Calcasin which would have consumed at least a week. For when deponent was informed of Ryan's residence, not only by the witnesses whose affidavits are annexed (p.p. 125, 135) but also by other persons, he deponent, was on the lower Vermillion, should have been obliged to return to Opelousas, and should probably without succees have endeavoured to engage a justice of the peace of the village of St. Landry, to undertake a journey of nearly 100 miles to the lower

part of Bayou Calcasin, which as deponent has frequently been told, Ryan has removed.

Deponent has uniformly applied to the oldest and most respectable inhabitants of the country for information on all the subjects connected with the Macarty claims, and he verily believes that there is not one of those whose testimony is offered, who would not be considered as a very credible and trustworthy witness by a jury assembled from their vicinage. Deponent's opinion of their character was formed upon the general good reputation which the sustained. Deponent has, with the assistance of Valentine King Esq. Register of the Land Office at Opelousas, examined the records of said office and has not found that Joseph Thierry, whose name is frequently called and spelled Therry, and whose land is mentioned as boundary in the 3 grants of the Macarty's of 1786, now claimed in Opelousas, had ever a concession in Attakapas, where the aforesaid 3 tracts have been located by the commissioners. Said Thierry is remembered by many persons in Opelousas who all told deponent, that he had always lived in Opelousas and never owned any lands in Attakapas.

Deponent has also been informed that Agricole Hebert had left the Vermillion and moved either to the Calcasin or to Texas. The uncertainty and distance of his residence has prevented the taking of his testimony.

Deponent further states that Pierre Etier Sr.'s inventory being very long, and containing much extraneous matter, only such parts have been translated by deponent, as relate to the various concessions obtained by sd. Etier and his 3 sons. The inventory in full certified by the parish judge, is to be found on p. 203. The parts omitted in the translation recite sd. Etier's purchases, credits, utensils, in short, his moveable property and of his immoveable property such as was acquired by purchase and not by concessions, and contain nothing which in any manner has any bearing on the claims of the Macarty's.

Deponent adds that not only Spanish law-writers, but also the Supreme Court of this State, in which the Spanish law was formerly in force, have recognized it as a principle of the Spanish law, that sales of real property under private signature are valid even against third persons, when accompanied by possession.

LOUIS JANIN.

Sworn to and subscribed before me,

GALLIEN PRÉVAL,

Judge.

New Orleans 26 November 1831.

Power of Attorney of Catherine Baudouin, widow Etier, to her son Pierre Etier, authorizing him to make a certain declaration in her name.

Translation. (The original is on page 195.)

I, Catherine Baudouin, widow Etier, wife by my second marriage of William Dex—considering my advanced age and the distance of my residence from that of the commandant—at the request of J. Bte. Macarty, residing at New Orleans, and here represented by his son Edmund, to ratify the sale of a tract of land which I formerly possessed on both sides of Bayou Vermillion in the prairie Sorel, and which I have sold to the said J. Bte. Macarty for the price of four hundred dollars, received by me in cash.

In consideration of the aforesaid reasons, I give by these present writings full and sufficient power to Pierre Etier, my son in order that, representing me as if I were present in person, he may appear at the office of this district, and there ratify the sale which I formerly made of said land. Said land belongs in full right to Mr. Macarty and neither I nor my heirs have any right or claim to it. And I promise to approve, as indeed I approve beforehand, everything that will be done or declared by my son Pierre Etier, to whom I have given my instructions.

And not knowing how to write, I have made my ordinary mark of a cross in presence of Mr. Louis Charles de Blanc civil deputy commandant of this post of Attakapas this nineteenth April 1805.

Ordinary mark
×
of Widow ETIER, wife of WM. DEX.

(Sigd.) LOUIS DE BLANC,
Dy. Civil Commandt., wit.

N. B. The signatures are proved by a certificate annexed to the original.

Nota: The "book" thus closed bears the following endorsements:
"Claim of Macarty. Filed March 8th, 1836.
"JOHN J. TAYLOR,
"*Register.*"

"U. S. Dist. Court: Land Docket, No. 135, filed May 16, 1849,
"and admitted in evidence May 29 & 30, 1849.
"ROBR. M. LUSHER,
"*Dy. Clerk.*"

Close of "bound book" of secondary evidence, and of evidence offered.

And afterwards, at the same May Term, 1849, to wit: on Monday, June 11th, 1849, was rendered and recorded the following

Judgment.

Which was engrossed, signed and filed on the following day, in the words and figures following, to wit:

MACARTY *et al.*
vs.
THE UNITED STATES. } No. 135.

This cause came on to be heard at the present term,

To wit: on the 29th of May last past, on the petition and answer and the evidence adduced by the parties, and, after argument of counsel, was submitted to the court.

And the court having maturely considered the same and being satisfied that the proper officers of the province of Louisiana under the government of Spain, having full power and authority so to do, did in or before the year 1782 and 1783, make five grants or orders of survey for tracts of land or requêtes, to wit: two in favor of John Baptiste Macarty, one of which in the prairie Sorel near the Vermillion for eighty four arpents front with a depth of eighty four arpents, and the other situated on both sides of the Bayou Vermillion having forty arpents front on said bayou with a depth of forty arpents on each side of the same; one in favor of Barthelemy Macarty for forty arpents front on both sides of the Bayou Vermillion with a depth of forty arpents on each side of the same; one in favor of Edmond Macarty for forty arpents front on both sides of the Bayou Vermillion with a depth of forty arpents on each side, and one in favor of Celeste Macarty, also for forty arpents front on both sides of the Bayou Vermillion with a depth of forty arpents on each side:

And that the proper officers of the said province of Louisiana under the government of Spain, having full power and authority so to do, did make three grants or orders of survey for tracts of land on *requêtes* in or before the year 1784, to wit: one to Antoine Boudousquié for forty arpents front on both sides of the Bayou Vermillion with a depth of forty arpents on each side; one to Pierre Etier for twenty arpents front on both sides of Bayou Vermillion with a depth of forty arpents on each side, and one to Vincent Lasassier for eighty arpents front on both sides of the Bayou Têche with a depth of forty arpents on the west side of the same:

And being further satisfied that the said Jean Baptiste Macarty acquired the said lands conceded to the said Antoine Boudousquié, Pierre Etier, and Vincent Lesassier by title, transferring to him the right of property in and to the same, and that the petitioners are the heirs and legal representatives of the said Jean Baptiste Macarty, Barthelemy Macarty and Edmond Macarty, or claim under the same, and being further satisfied that the said grants or orders of survey were made to persons who were then respectively residents of the said province of Louisiana, and that they were and are good and

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valid Spanish grants or orders of survey and that the same are protected by the treaty made between the United States and the French Republic on the 30th of April, 1803, as well as by the laws of nations and the Constitution and laws of the United States and that, had not the sovereignty of the country been transferred to the United States, the same might have been perfected into complete titles under and in conformity to the laws, usages and customs of the government under which the same originated:

This court, acting under and by virtue of the act of Congress of the 26th May, 1824, entitled: "An act enabling the claimants to "lands within the limits of the State of Missouri and Territory of "Arkansas to institute proceedings to try the validity of their "claims," and also an act approved on the 17th day of June, 1844, entitled: "An act to provide for the adjustment of land claims "within the States of Missouri, Arkansas and Louisiana, and in "those parts of the States of Mississippi and Alabama south of the "31st degree of north latitude and between the Mississippi and "Perdido Rivers," doth order, adjudge, and decree, and it is hereby ordered, adjudged, and decreed that the petitioners, Céleste Macarty, widow of Paul Lanusse, Odille D. Rost, wife of Pierre A. Rost, Pierre Adolphe Rost, testamentary executor of the late Stephen Henderson, Celeste Destrehan wife of Alexander Grailhe, the widow of A. Peychand, Myrtille Macarty widow of Charles B. Lanusse, and Armand Pitot, the beneficiary heir of Barthelemy Macarty, the heirs and legal representatives of the late Jean Baptiste Macarty, Barthelemy Macarty and Edmond Macarty, are the true and legal owners of, and have good title against the United States the defendants, in and to the lands claimed in their petition and granted or conceded as aforesaid to the said Jean Baptiste Macarty, Barthelemy Macarty, Edmond Macarty, Celeste Macarty, Pierre Etier and Antoine Boudousquié, as aforesaid, and situated, lying and being on the Bayou Vermillion with a depth of forty arpents on each side of said bayou and beginning at the lower line of the tract confirmed on the 24th of August, 1811, in the name of Antoine Etier under B No. 1337 represented in the plat of township No. thirteen south, in range No. three east of the Southwestern Land District State of Louisiana, a copy of which is on file in this case (page 113 of bound Book of Evidence) and extending thence with the same depth on each side of the said Bayou Vermillion two hundred and twenty arpents down the said bayou towards the sea,—and that they are the true and legal owners of and have good title against the United States, the defendants, in and to the land claimed in their petition and granted or conceded to Jean Baptiste Macarty as aforesaid, in the prairie Sorel near Bayou Vermillion, having eighty four arpents front by eighty four arpents in depth and represented in the Plat of Township No. thirteen in Range Four East as bounded on the west by the back-lines of the confirmed claims fronting on the Bayou Vermillion.

And it is further ordered, adjudged, and decreed, that the said petitioners, Eleonor Prévost, wife of Nicolas Loisel, Nicolas Le Blanc, Louise Prevost, Célestine Prévost, Luc Prevost, Godefroy Prevost, Philemon, widow Nicolas Prévost and Armand Pitot, beneficiary heir of the said Barthelemy Macarty, are the true and legal owners of and have good title against the United States, the defendants, in and to the land claimed in the petition, granted or conceded as aforesaid to Vincent Lesassier, having eighty arpents front on the west side of Bayou Têche, with forty arpents in depth.

It is further ordered, adjudged, and decreed, that, in case said lands, so claimed by the said plaintiffs, shall have been sold by the United States or otherwise disposed of, the said plaintiff shall be and they are hereby authorized to enter, in any Land Office in the State of Louisiana, in parcels conformable to the sectional divisions and subdivisions, a like quantity of public lands, after the same shall have been offered at public sale.

Judgment rendered 11 June, 1849.

Judgment signed, 12th June, 1849.

[SEAL.] (Signed) THEO. H. McCALEB,
U. S. Judge.

And further and finally at the same term, to wit: on the said twelfth day of June, 1849, was moved for in open court, granted, and recorded the following

Order of Appeal.

May Term, 1849. Before the Hon. Theo. H. McCaleb.

Tuesday, June 12, 1849.

On motion of Logan Hunton, Attorney of the United States for the Eastern District of Louisiana, and of Thomas J. Durant on the same behalf, and on giving the court to understand and be informed that the United States are injured and aggrieved by the judgment of this honorable court rendered against them at this Term in the matter of Macarty et al. *versus* the United States, and desire to appeal therefrom.

It is thereupon ordered by the court that an appeal be allowed in favor of the United States from the judgment aforesaid, returnable to the Supreme Court of the United States at the next Term thereof after the date of this order.

UNITED STATES OF AMERICA,
Eastern District of Louisiana:

I, Needler R. Jennings, Clerk of the District Court of the United States sitting at New Orleans in and for said district, do hereby certify, that the foregoing three hundred and twenty-four folios, including 97(a) Plans fols. 100, 103, 106, 108, & Plats fs. 207–8–9,

contain and form a true, faithful, correct and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain cause in Chancery wherein the heirs of J. B. Macarty et al. are Plaintiffs and the United States of America Defendants; No. 135 of the Land Docket of said court.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court, at the city of New Orleans, this twenty-second day of September, one thousand eight hundred and forty-nine and the 74th year of American Independence.

[SEAL.] N. R. JENNINGS,
Clerk U. S. District Court, Eastern Dist. of Louisiana.

I, Theodore H. McCaleb, Judge of the District Court of the United States for the Eastern District of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was, at the time of signing the same, and is now, the duly appointed and legally authorized Clerk of said court; that full faith and credit are due and ought to be given to all his attestations as such Clerk, and that his above certificate is in due form of law.

In witness whereof I hereunto set my hand and seal this 24th day of Septr. A. D. 1849.

[SEAL.] THEO. H. McCALEB.

THE UNITED STATES OF AMERICA,

To Céleste Macarty, widow of Paul Lanusse, and others, heirs and legal representatives of the late Jean Baptiste, Barthelemy, and Edmond Macarty, all residing in the State of Louisiana, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to an Order of Appeal granted, on the twelfth day of June, 1849, by the District Court of the United States in and for the Eastern District of Louisiana, in a certain cause in Chancery, (under the Acts approved May 26th, 1824, and June 17th, 1844,) entitled, (No. 135) *Macarty et al.* vs. *The United States*, wherein the said United States of America are now Appellants, and you are Appellees, to show cause, if any there be, why the judgment rendered against the Appellants, as in the said Order of Appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness hereto my hand, and the Seal of the said Court, at the city of New Orleans, this twenty-fourth day of September, A. D. 1849.

[SEAL.] THEO. H. McCALEB,
Judge of U. S. District Court Eastern District of Louisiana.

Ls. JANIN and
M. TAYLOR, *Attys.*

Attest: ROBR. M. LUSHER,
Dy. Clerk.

EASTERN DISTRICT OF LOUISIANA,
United States District Court.

No. 138.

Orig. { MACARTY *et al.* vs. THE UNITED STATES. } Citation of Appeal.

MARSHAL'S RETURN.

Recd. October 9, 1849, and on the 17th October 1849 served a copy of the within citation of appeal on Ls. Janin, Esq., one of the attorneys for the Plffs., by handing the same to him in person at New Orleans, & who at the time accepted service for the Plffs.

N. W. BUTLER,
Dy. U. S. Marshal East. Dist. of La.

Retd. 18 Oct. 1849.

Return registered, Oct. 18, 1849.

ROBR. M. LUSHER,
Dy. Clerk.

Filed December 5th 1849.